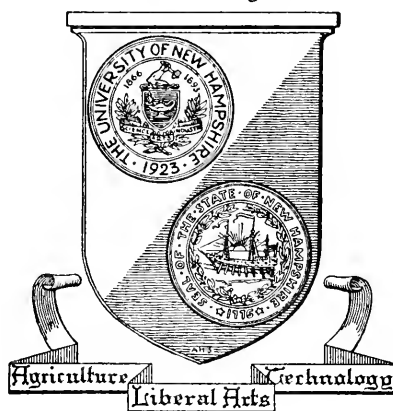


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OF THE
HOUSE OF REPRESENTATIVES
JANUARY SESSION OF 1959

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

JANUARY SESSION OF 1959

WEDNESDAY, JANUARY 7, 1959

On the first Wednesday in January, the year of our Lord, one thousand nine hundred and fifty-nine, being the day designated by the Constitution for the assembling of that body, the one hundred and thirty-sixth General Court of the State of New Hampshire convened at the Capitol in the City of Concord, and the representatives elect were called to order by Francis W. Tolman, Assistant Clerk of the House for the preceding session.

The acting Clerk proceeded to call the roll, and 383 members answering to their names, a quorum was declared present.

On motion of Mr. Larty of Haverhill:

Resolved, That a committee of three be appointed by the Clerk to wait upon His Excellency, the Governor, and inform him that a quorum of the House is assembled and requests his attendance.

The Clerk appointed Mr. Merrill of Exeter, Mr. Nelson of Contoocook and Mr. Bennett of Keene.

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, and the following named ladies and gentlemen having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking, and subscribing to the oath of office agreeably to the provisions of the Constitution.

ROCKINGHAM COUNTY

Auburn	Margaret A Griffin
Brentwood	Ferne Prescott
Candia	Karl J. Persson
Chester	Victor B. Spollett
Deerfield	Roland C. Batchelder
Derry	Kenneth M. Bisbee
	Harry E. Clark
	Charles H. Gay
	Hayford T. Kimball
Epping	Edmond G. Blair
Exeter	Lyman E. Collishaw
	Edwin W. Eastman
	Sayre Merrill
	Herman L. Smith
Fremont	Harold L. Jones
Greenland	Edna B. Weeks
Hampstead	Doris M. Spollett
Hampton	Douglass E. Hunter
	Seth M. Junkins
Hampton Falls	Ralph Sanborn
Kensington	D. Everett Palmer
Kingston	Martha A. Long
Londonderry	Howell F. Shepard
New Castle	T. Wade Jenkins
Newfields	Thomas R. Sheehy
Newmarket	Arthur A. Labranche
	John Twardus
Newton	George L. Cheney
North Hampton	George G. Carter
Northwood	Ernest L. Pinkham
Plaistow	Mildred L. Palmer
Portsmouth—	
Ward 1	Mary C. Dondero
	William F. Keefe
Ward 2	Harry H. Foote
	Henry S. Murch, Jr.
	Harry A. Wood
Ward 3	C. Cecil Dame
	William J. Wardwell
Ward 4	Robert R. Blaisdell, Sr.
	Julia H. White

Ward 5	Edna K. White
	Edward J. Ingraham
Ward 6	Charles W. Carkin
	Amelia H. Cross
Raymond	Calvin J. Langford
Rye	Manning H. Philbrick
Salem	Leonard B. Peever
	Marjorie L. Roulston
	Howard S. Willis
Sandown	Joshua H. Gordon
Seabrook	Myron B. Felch
South Hampton	Frank A. Robinson
Stratham	Nelson E. Barker
Windham	Thomas Waterhouse, Jr.

STRAFFORD COUNTY

Barrington	Dorothy B. Berry
Dover—	
Ward 1	Alice F. Blanchette
	Max W. Leighton
	Guy M. Wiggin
Ward 2	J. Hector Desjardins
	Frank J. Grimes
Ward 3	Thomas C. Dunnington
	Philip T. Stonemetz
Ward 4	Philip E. Calcutt
	William E. Colbath
	Harriett W. B. Richardson
Ward 5	Emmet J. Flanagan
Durham	Laurence A. Bevan
	Jeremiah A. Chase
	Albert D. Littlehale
Farmington	Robert B. Drew
	George Gilman
Lee	Herman A. Randall
Milton	Warren H. Reid
New Durham	Idanelle T. Moulton
Rochester—	
Ward 1	Ernest L. Rolfe
Ward 2	Winifred E. Hartigan
	Fred Maxfield
Ward 3	Sumner W. Watson

Ward 4	Alphonse Lacasse Angeline M. St. Pierre
Ward 5	Harry S. Johnson
Ward 6	Arnold T. Clement Edgar G. Varney
Rollinsford	Joseph E. Boisvert
Somersworth—	
Ward 1	Sarkis N. Maloomian
Ward 2	Napoleon A. Habel
Ward 3	Clovis J. Cormier
Ward 4	Arthur J. Vincent
Ward 5	James F. Malley
Strafford	Albert H. Brown

BELKNAP COUNTY

Alton	Arthur S. Rollins
Barnstead	Arthur H. McAllister
Belmont	Lyle Watson
Gilford	Marion M. Lord
Gilmanton	Conrad E. Snow
Laconia—	
Ward 1	Myron B. Hart Rene C. Lacaillade
Ward 2	Walter A. Harkins Paul L. Normandin
Ward 3	Ellis J. Ayre
Ward 4	Peter S. Karagianis Oscar C. Prescott
Ward 5	Henry I. Burbank David O'Shan
Ward 6	Donald W. MacIsaac George W. Varrell
Meredith	Raymond V. Pickering Joseph F. Smith
New Hampton	H. Thomas Urie
Sanbornton	Marion H. Atwood
Tilton	Herbert E. Howe

CARROLL COUNTY

Bartlett	Earle W. Chandler
Conway	Elmer H. Downs
	Nettie M. Hill
	Milburn F. Roberts
Freedom	Edward J. Stokes
Jackson	Daniel R. Blanchard
Madison	Guy W. Nickerson
Moultonborough	Stewart Lamprey
Ossipee	Marcus E. Diffenderfer
Sandwich	Mary S. Brown
Tamworth	George R. Nickerson
Tuftonboro	Forrest W. Hodgdon
Wakefield	Robert Duchano
Wolfeboro	Leslie M. Chamberlain
	Russell G. Claffin

MERRIMACK COUNTY

Allenstown	Narcisse V. Guilbeault
Andover	Victor E. Phelps
Boscawen	Joseph T. Flynn
Bow	Richard D. Hanson
Bradford	Reuben S. Moore
Chichester	James C. Bates, Sr.
Concord—	
Ward 1	Eli LaFlamme
	Frank J. Dowd
Ward 2	Alice Davis
Ward 3	Arthur F. Henry
Ward 4	Stuart Hancock
	Guy A. Swenson
	Timothy W. Woodman
Ward 5	Clarence Lessels
	Conrad W. Robinson
Ward 6	James E. Mannion*
	Eugene J. O'Neil
	Elwood Peaslee
	Ernest W. Saltmarsh

Ward 7	G. Carroll Cilley William P. Gove Paul B. Maxham Henry C. Newell
Ward 8	Lila S. Chase
Ward 9	Joseph J. Comi Pasquale Rufo
Epsom	Ralph S. Carr
Franklin—	
Ward 1	Leslie Boomhower
Ward 2	Wiggin S. Gilman William S. Thompson
Ward 3	Peter P. Charland Arthur B. Leonard
Henniker	Lewis H. Carpenter
Hooksett	Alphonse H. Lafond John B. Mulaire
Hopkinton	Lewis A. Nelson
Loudon	Harold F. Presby
Newbury	Clarence B. Perry
New London	M. Roy London
Northfield	Carll L. Burleigh
Pembroke	Robert E. Plourde George D. Thibeault
Pittsfield	Mary R. Ayer James F. McGrath
Salisbury	Elmer M. Hunt
Warner	L. Waldo Bigelow, Jr.
Webster	Lloyd H. Stone
Wilmot	Arthur E. Thompson

HILLSBOROUGH COUNTY

Amherst	Orson H. Bragdon
Antrim	Ellerton H. Edwards
Bedford	Ralph M. Wiggin, Sr.
Bennington	Theodore Aucella
Brookline	Grover C. Farwell
Deering	Rosamond Herrick
Francestown	Israel H. Vadney

Goffstown	Frederick W. Branch A. Kenneth Hambleton Elmer B. Nickerson Alfred W. Poore*
Greenville	Alexander M. Taft
Hancock	Julius Q. Pickering*
Hillsborough	R. Wayne Crosby
Hollis	Ann J. Goodwin
Hudson	Edward J. Daneault Christopher F. Gallagher George L. Gamache
Litchfield	Howard S. Legallee
Manchester—	
Ward 1	Greta M. Ainley Samuel Green George A. Lang James Pettigrew
Ward 2	Harry J. Danforth Joseph H. Geisel Henry F. Goode Charles W. Kimball John Pillsbury
Ward 3	Nick Hart Louis Israel Martel Thomas F. Sullivan John M. Tobin
Ward 4	William J. Cullity Thomas F. Nolan Walter J. Burke
Ward 5	Stanley J. Betley Joseph P. Healy Thomas E. Manning George W. Smith Edward J. Walsh
Ward 6	Thomas Armstrong Denis F. Casey Edward D. Clancy Joseph F. Ecker Daniel J. Healy Michael F. O'Connor

Ward 7	Edward T. LaFrance Laurent A. LeBlanc Charles J. Leclerc Alonzo J. Tessier
Ward 8	Edward Champagne Joseph T. Compagna Eugene Delisle, Sr. George L. Lavoie Adelard J. Pelissier
Ward 9	Beatrice Beaulieu Cary Edward W. Morris
Ward 10	Gerard J. Belanger Alfred A. Bergeron John J. Kearns John W. King
Ward 11	George J. Hurley George E. Lafond Maurice H. Noel
Ward 12	Alphonse O. Levasseur Edward T. Martel John F. Maston Joseph C. Nalette
Ward 13	Charles E. Daniel Gerard J. DeGrace Albert N. Dion Lorenzo P. Gauthier Hector J. Rousseau
Ward 14	James Christy Roger J. Crowley, Sr. Marcel A. Vachon
Merrimack	Bert L. Peaslee
Milford	David Deans, Jr. William M. Falconer Charles P. Hayward
Nashua—	
Ward 1	Martha Cole Mabel Thompson Cooper William A. Saunders George W. Underhill
Ward 2	Henry J. Salvail Wilfrid G. Thibeault

Ward 3	Agenor Belcourt Hector J. Trombly
Ward 4	Cornelius M. Brosnahan James R. Griffin
Ward 5	Albert Maynard George S. Pappagianis
Ward 6	John B. Dionne Ernest Marcoux
Ward 7	Ralph W. Boisvert Arthur J. Chartrain Frank E. Ryan
Ward 8	Oscar P. Bissonnette Arthur Bouley Alfred P. Grandmaison John Latour Frank C. Sabluski
Ward 9	Paul E. Bouthillier George J. Gingras
New Boston	Edward F. Locke
New Ipswich	William T. Thompson
Pelham	Alton M. Hodgman
Peterborough	Chester F. Dutton Benjamin M. Rice
Weare	Scott F. Eastman
Wilton	George G. Draper, Sr.

CHESHIRE COUNTY

Alstead	Peyton R. H. Washburn
Chesterfield	James E. O'Neil
Dublin	Belle F. Gowing
Fitzwilliam	Lewis R. Pike
Gilsum	Arthur F. Turner
Hinsdale	Clifford D. Stearns
Jaffrey	Anne B. Gordon Carl C. Spofford
Keene —	
Ward 1	Charles P. Haley Jeremiah J. Keating Roy L. Terrill
Ward 2	James E. McCullough Kirke W. Wheeler

Ward 3	Frank J. Bennett Edward E. Brown
Ward 4	Ellen Faulkner James B. Miskelly
Ward 5	Walter P. Kretowicz Laurence M. Pickett
Marlborough	Wallace B. Oliver
Marlow	Roxie A. Forbes
Rindge	James F. Allen
Swanzy	J. Edward Bouvier Jacob M. Hackler
Troy	Robert H. Congdon
Walpole	Louis S. Ballam Robert L. Galloway, Sr.
Westmoreland	John H. Terry
Winchester	Forest A. Frost John B. Sawyer

SULLIVAN COUNTY

Charlestown	Martha McD. Frizzell
Claremont—	
Ward 1	Arthur L. Bradbury William L. Gaffney Amos E. Russell
Ward 2	George W. Angus Sam J. Nahil Marion L. Phillips
Ward 3	Adolph J. Burrows Carmine F. D'Amante Alton G. Desnoyer
Cornish	Fred Davis
Langdon	Arthur G. Marx
Lempster	John A. Wirkkala
Newport	Elsie C. Bailey Herbert E. Brown Maurice J. Downing Jesse R. Rowell
Plainfield	Tracy M. Spalding
Springfield	Seely W. Philbrick
Sunapee	George R. Merrifield
Unity	Margaret B. DeLude

GRAFTON COUNTY

Alexandria	Almon M. Bucklin
Ashland	Robert H. Eastman
Bath	Arthur H. Gilbert, Sr.
Bethlehem	Malcolm J. Stevenson
Bristol	Bowdoin Plumer
Campton	Philip S. Willey
Canaan	Joseph L. Graham
Enfield	Isaac H. Sanborn
Hanover	David J. Bradley
	Elizabeth W. Hayward
	Robert S. Monahan
	Genevieve S. Neale
Haverhill	Wilfred J. Larty
	Norman A. McMeekin
Holderness	Stanley A. Chamberlain
Landaff	George F. Clement
Lebanon—	
Ward 1	George H. Beard
	George H. Edson
Ward 2	Ernest R. Courtemarsh
	John B. Guay
Ward 3	J. Daniel Porter
	Gladys L. Whipple
Lincoln	George M. McGee, Sr.
Lisbon	Rita Collyer*
Littleton	Charles F. Armstrong
	L. Fay Burrill
	Fred Kelley
Lyman	Archie Birch
Lyme	Harold W. Haskins
Monroe	Katherine G. Johnson
Orford	Charles L. Cushman
Piermont	Meda L. Kinghorn
Plymouth	Kenneth G. Bell
	Suzanne Loizeaux
Rumney	Jesse A. Barney
Thornton	Richard L. Bradley
Wentworth	Grover C. Breck
Woodstock	Dagmar Davis

COOS COUNTY

Berlin—

Ward 1	Oliver A. Dussault Guy J. Fortier Philip H. Perrault
Ward 2	Romeo Desilets Frank H. Sheridan
Ward 3	Hilda C. F. Brungot Marie A. Christiansen
Ward 4	Arthur A. Bouchard Rebecca A. Gagnon Clarence J. Lacasse
Colebrook	Harry N. Marsh
Columbia	Lovell V. Oakes
Dalton	William O. Emerson
Gorham	Frank L. Crockett George W. W. Graham
Jefferson	Phyllis A. Kimball
Lancaster	Arthur L. Simonds* Walter E. Swett
Milan	R. Wilbur Potter
Northumberland	Walter O. Bushey Robert B. Styles
Pittsburg	Harvey H. Converse
Stark	Jerry W. Emery
Stewartstown	Claude J. Baker
Stratford	Bert Stinson
Whitefield	Ada C. Taylor

* Those marked with an asterisk were not present but appeared and qualified later as will be found in the daily proceedings of the House.

The Clerk called the House to order, and stated that the first order of business is the election of a temporary presiding officer.

Mr. Hodgdon of Tuftonboro placed in nomination Mr. Rowell of Newport and moved his election.

On a *viva voce* vote Mr. Rowell of Newport was declared elected temporary presiding officer and was escorted to the Chair by Mrs. Cooper of Nashua and Mr. Healy of Manchester.

On motion of Mr. Green of Manchester the House proceeded to the election of a Speaker.

Mr. Green of Manchester placed in nomination Mr. Lamprey of Moultonboro. Mr. Crosby of Hillsborough seconded the nomination.

Mr. Pickett of Keene nominated Mr. King of Manchester as Speaker. Mr. McGee of Lincoln seconded the nomination.

Mr. King of Manchester declined the nomination for Speaker and moved that the nominations be closed and that the Clerk cast one ballot for Stewart Lamprey of Moultonboro for Speaker. Mr. Pickett seconded the motion.

Motion was unanimously adopted and Mr. Lamprey of Moultonboro was declared Speaker and escorted to the Chair by Messrs. Crosby of Hillsborough, Hunter of Hampton and Haley of Keene.

Mr. Haley of Keene placed in nomination for Clerk, Francis W. Tolman of Nelson, Assistant Clerk, John Milton Street of Sharon, for Sergeant-at-Arms, Lloyd E. Fogg of Milan, for Doorkeepers, Bertha Boutwell of Concord, Florence N. Gould of Wentworth Location, Joseph Kershaw of Swanzey, Herbert Richardson of Randolph and Harry J. A. Robinson of Dover.

Mr. King of Manchester moved that the nominations be closed and the Clerk cast one ballot for the above candidates and they were declared elected.

Mr. Hancock of Concord offered the following resolution:

Resolved, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Stewart Lamprey as Speaker; Francis W. Tolman as Clerk; John Milton Street as Assistant Clerk; Lloyd E. Fogg as Sergeant-at-Arms, and Bertha Boutwell, Florence N. Gould, Joseph Kershaw, Herbert Richardson and Harry J. A. Robinson as Doorkeepers.

Resolution was unanimously adopted.

Mr. Birch of Lyman offered the following resolution:

Resolved, That the House of Representatives will be ready to meet the Honorable Senate at 12:00 o'clock today for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

Resolution was unanimously adopted.

Senate Message

A message sent down from the Honorable Senate, by the Clerk, announced that the Senate has organized by the choice of Senator Norman Packard as President, Benjamin F. Greer as Clerk, Paul A. Rinden as Counsel to the Senate, Esther T. Hurd as Recorder, Nathan A. Tirrell as Sergeant-at-Arms, Daniel Cronin as Doorkeeper and Charles Woodbury as Messenger.

Mrs. Brown of Sandwich offered the following resolution:

Resolved, That a committee of six be appointed by the Chair to wait upon his Excellency, the Governor, and inform him that a quorum of each branch of the Legislature has assembled and is ready to receive any communication he may be pleased to make.

The Speaker named as such committee the following: Mrs. Goodwin of Hollis, Mrs. Dondero of Portsmouth, Messrs. Wiggin of Bedford, Cheney of Newton, King of Manchester and Sheridan of Berlin.

Joint Convention

The Honorable Senate then came in and the two branches being in convention, Mr. Wiggin of Bedford, for the committee, reported that the committee appointed to wait upon His Excellency, Lane Dwinell, Governor, had attended to their duty and that His Excellency, the Governor, had a communication which he desired to make.

His Excellency, the Governor, with the Honorable Council, then appeared and delivered the following message.

Mr. Speaker, Mr. President, Members of the General Court:

In addressing this 136th General Court on the opening day of its session, it is not my place to make specific recommendations for your consideration. That is properly the responsibility of my successor. Perhaps you will allow me, however, a few observations based on my experience in both the legislative and executive branches of state government. These experiences have been supplemented during the last 18 months in acting with other state and federal officials in an attempt to define more clearly the proper roles which state, federal and local governments should assume in the total responsibilities of all government.

Two conclusions readily stand out. First, that modern state government has an inherent vitality and a latent potential for service to the people which make it an impressive bulwark against further assumption of responsibility and power by centralized federal government.

Second, that the creation of some 97 federal grant-in-aid programs costing annually $5\frac{1}{2}$ billions of federal tax dollars is largely the result of failure by state government to recognize its responsibilities.

We find ourselves leaning more and more heavily on Washington for help in accomplishing the things we should do for ourselves. This is not a matter of states' rights; it is a matter of states' responsibilities. Federal programs are instituted, under the guise of "stimulation", on a temporary basis. History shows that they become permanent. While many give lip service to proposals for returning responsibilities to the states with compensating revenues, there are a few who will face up to the action required.

We have many emerging problems for which some level of government must accept responsibility. The only way that this trend toward centralized government can be retarded is for this Legislature and 48 other Legislatures to recognize these problems quickly, and meet them squarely. This does not necessarily mean that state government must get bigger and bigger. It means, of course, that we must strive relentlessly to make our government more efficient. It means a constant review of every operation, to separate those functions which are necessary from those which are merely desirable. It means, in short, that this Legislature has the challenge of surpassing, in its dedication to the public good, the many able Legislatures which have preceded it.

It is the custom, long established, of an out-going administration to summarize, on the one hand, some of its accomplishments, and on the other to look to the future and point up some of the hurdles which must be cleared in the days ahead.

If anything can justly be said to distinguish the government of our state throughout its long and honorable history, I believe it has been our success in making a little go a long way. Our limited wealth has been used wisely, to meet proven public needs — without laying upon our citizenry any massive burden of state-imposed taxes. Our tradition has been to spend

our tax money at home, as close as possible to the community level, where the voters make the decisions.

Both in 1955 and in 1957, a majority of us remained committed to this philosophy, even in the face of manifest demands for new or expanded state services. Through our joint efforts, we have been able to act on our beliefs. We have appropriated great sums for the continuing public good, without either neglecting our obligations to existing programs — heavy as they were — or resorting to major new sources of revenue.

Although the last two biennial budgets have each been far larger than any which preceded them, the surplus of nearly \$2½ million I now estimate for the close of this fiscal year is approximately the same as it was four years ago. In other words, we have not only balanced our budget, we have held onto our accumulated savings, and would have added to those savings but for a franchise tax refund of \$1,300,000.

No one individual in our state government, either elected or appointed, can take more than a modest share of the credit for what all of us, working together, somehow accomplish. I am deeply aware of what is owed to the members of our General Court, to those of our fellow citizens who give volunteer service on boards and commissions, to those state officials who carry heavy burdens of administrative responsibility, and to the many career state employees who put our laws to work and carry out our policies in daily action.

New Hampshire can be proud of her government. It has expanded beyond the dreams of its founding fathers, but it still answers to each citizen who casts his ballot and argues his views in meeting. These are the essential tests of democracy in action; the conditions basic to the survival of individual freedom and our free enterprise system.

What has been achieved, in the 48 months just past?

For the sake of orderly review, it may be helpful to look at what has been done under three separate headings. These I think, cover the duties of government as we know it:

First, to meet our continuing obligations to the people of this State for essential public needs, which would include education, transportation, health, welfare, public safety, and the many tasks of our various regulatory agencies in the public interest;

Second, to do whatever we can to make government more efficient, bearing in mind the fact that we, too, are taxpayers;

Finally, to take the initiative in solving problems affecting all our citizenry, to the limit of our ability and financial resources.

Under the first heading — Basic Services — I shall take time here to discuss only two, which between them consume the lion's share of our revenues and offer the greatest challenge to our ingenuity. These two, of course, are highways and schools. Apparently, we can never get enough of either, try as we will. And this, in itself, is proof that New Hampshire is still a growing state.

Between January 1, 1955 and December 31, 1958, our Department of Public Works and Highways committed to construction more than 200 road-building projects of all types, representing more than 300 miles of new highways, at a total cost of more than 100 million dollars.

Right now, we are engaged in building almost 50 million dollars worth of new roads.

The most significant fact about the state's highway program is the demonstrated capacity of our Highway Department to turn out the work assigned to it. Even though appropriations for the current biennium exceeded those of any comparable period by many millions of dollars, I can report to you that this work is completely under way. All projects authorized for a two-year period have already been started or put under contract. In short, the greatest highway program in the history of this state is a full six months ahead of schedule.

When we turn to public education, we recognize that nearly all the funds spent are raised at the local level. During the past four years, New Hampshire has undertaken and largely completed almost 100 school construction projects, to accommodate more than 25,000 pupils in 83 communities, at a total project cost of more than 24 million dollars. To help do this, we have increased our foundation aid, and established and greatly increased a state building aid program which makes it possible to meet the costs of new schools in more than 140 cities and towns.

At the higher educational level, there has been a great physical expansion at our state university, running to some 9 million dollars worth of new construction. We have also invested close to 2 million dollars in urgently needed buildings

at our two teachers' colleges, where enrollments have been rising steadily.

Of equal importance to the future of our public schools has been the effort made to encourage the creation of cooperative districts, which can now qualify for up to 55 percent building aid from the state. I shall not argue the case for cooperatives here, but I cordially invite any who doubt their value to visit some of our new centralized secondary school plants. Those who do not yet realize what advantages we can offer our boys and girls by pooling our tax resources on an area basis owe it to themselves . . . and their children . . . to find out.

Here, again, we should recognize what we owe to the vision and determination of our school and college officials, especially those local school authorities who must use hard-earned tax money as though it were their own lifetime savings to make ends meet.

In briefly discussing state spending for roads and schools, I have already accounted for a great part of both the costs and the major activities of this government. As to health, welfare and corrections, we have met our continuing responsibilities and discharged them adequately within our means. Our state institutions, with very few exceptions which I shall refer to later, are doing what we ask of them.

We can turn now to the second duty of government . . . More Efficient Management of Public Business.

I came to this office as a manufacturer and businessman, aware of how vitally important cost-cutting is to the success of any operation involving expenditure of large sums of money. My task, as I saw it, was to try to manage the state's affairs as alertly and shrewdly as I would my own.

For four years, this has been my daily concern. The measure of what we have accomplished lies in the extent to which we have been able to increase or expand the services offered by the state **without** asking for new, major resources of revenue. We have worked on the theory that each dollar saved was one more we didn't have to extract from the already sorely pressed taxpayer. Two years ago, I remarked from the rostrum that "a little stinginess can be a good thing". It is worth repeating today.

Our Department of Administration and Control, with which I have worked very closely, has virtually revolutionized

the financial management of our everyday governmental operations. Accounting procedures in the Department of Public Works and Highways have been completely overhauled and modernized. The Evans Survey of Staffing Needs, covering all our departments and institutions, enabled us to save both money and man-power even while we were steadily assuming more and broader functions.

One of our greatest efforts — and here the credit must be shared both with the Legislature and our two state employee organizations — has been to upgrade the standards of employment in our state service. I have always believed that as taxpayers we should try to hire the best people we could find to do the jobs that we consider necessary, and that we ought to give them every encouragement to take pride in their work. This is only enlightened self-interest, on our part.

We applied this principle in 1955 when we integrated our own Employee Retirement Benefits with the federal Social Security System. In 1957 we increased state salaries by an over-all average of some 16 percent. The immediate and obvious result of this long-delayed action was that our turnover in employees, especially in key positions, dropped to a reasonable level.

In 1958, we took the third essential step and established a 40-hour or 5-day week as the maximum working time for all state agencies except the Fish and Game Department. For years, although most of our Departments had been, actually, on a 37 and one half hour work week, many of the employees in our hospitals and institutions and law enforcement had been working far longer hours . . . A situation which I felt was intolerable. This has now been corrected.

We can now review what has been done to discharge our third duty . . . the obligation to look ahead and act boldly in dealing with our emerging problems, lest they overwhelm us.

Some of these problems are far from new but have only in recent years been recognized as serious. Others are either temporary in nature or still uncharted.

Essential to our prosperity as a state is employment in manufacturing, and in the vacation-travel industry. These two activities, together with agriculture, bring substantial amounts of "New Money" from outside our borders to support other types of employment, help pay taxes and provide the means of raising our general standards of living. Some have said

that the only way New Hampshire can balance her budget is by exporting her young people as they leave school to go to work. I would say that our solution is to import cash in exchange for the goods we produce, the services we render and the scenic splendor that we offer our welcome visitors.

Most of you will recall that in 1950, a highly qualified Industrial Survey Committee — the so-called Hirst Committee — reported to Governor Adams that we were in real danger because of the decline in manufacturing jobs after a long period of adversity in our textile industry. During the three decades from our peak employment year in 1919 to our low point in 1949, the foundation of our economic well-being was all but destroyed.

The findings and advice of that committee were widely heeded, to the extent that more than 30 industrial development groups at the State, Regional or Local level have since been actively seeking new employers and new jobs in diversified industry.

During the last eight years, we have been able not only to halt the loss of existing industry, but to gain enough new factories and encourage enough expansions of existing plants so that we are far better off than we were a generation ago. The acid test of this statement is just behind us. Throughout the 1958 recession, thanks to manufacturing diversification, New Hampshire's percentage of jobless averaged only about half that of the nation as a whole. Even in recent weeks, although unemployment has been rising slightly as it normally does at this season, statewide unemployment is running at a rate below the past 10-year average.

This past summer I reconstituted this committee to give us another report on our state's economic needs and prospects. The second Hirst Report is now available for your consideration and guidance. It shows that we need at least 1,000 new manufacturing jobs each year, to support other employment and provide a proper livelihood for the more than 2,000 men and women who annually join our working population.

Equally important is our duty to make the magnificent recreational resources of New Hampshire more readily available and enjoyable to resident and non-resident alike. It may be an economic necessity to provide larger and better-equipped state parks, more and better means of access to public waters, for our seasonal guests from other states. But it is certainly

a moral obligation to make sure that these services and opportunities are offered to our own taxpayers and their families.

Much has been accomplished in this direction since 1955. We are more widely aware, today, of how much still needs doing. By the time our new state parks on Winnepesaukee and Pawtuckaway Lake and in the Monadnock area are open for business, still more will remain to be done. I think the most hopeful development is the recognition by the last Legislature that we cannot, as a state, fully accept our responsibilities for public recreation while insisting that our state parks must fully pay their own way. There are areas in which it is wise to be somewhat stingy; there are others in which public generosity goes hand in hand with the promise of prosperity-to-be. It will gain us little to make our state a better place in which to work, unless we also make it a better place in which to live.

Still another field in which we have barely begun to break ground is the statewide problem of mental health. Here, New Hampshire has just begun to face up to a situation which in New York state last year presented the taxpayers a bill for the staggering sum of \$189,000,000. We are fortunate in having an excellent state hospital — one of the best in the country. But beyond that, we are primitive.

Personally long aware of inadequacies at the Laconia State School, I asked for — and the 1957 Legislature provided — an appropriation of \$10,000 for a state-wide survey of our mental health needs and resources. The survey was completed last August by the American Psychiatric Association.

In the wake of the survey, a Citizens Advisory Committee has been working at my request with our Statutory Board of Institutions, Corrections and Hospitals, to produce proposals for your consideration. The immediate aim, as advocated by the APA Report, is to integrate our existing resources under a Central Department of Mental Health. This would coordinate all services offered by the state with those provided, or to be provided, by regional and local clinics as well as other private agencies.

We cannot afford either to ignore such a problem or to dissipate our funds in halfway, makeshift solutions.

Measures on behalf of mental hygiene seek to protect the state's greatest single resource — her people. Since we have

few other natural assets, we should take pains to make the most of them, too.

Basically, these other assets include water, forests and scenery. The first two are specifically cited in the new Hirst Report, which emphasizes how important it is for us to study what they offer and use them well. The third asset, scenery, is highlighted in the recent report of the Mount Washington Study Committee, which for the past several years has been determining what New Hampshire might do, as a state, to preserve and develop this outstanding natural feature and tourist attraction.

Again, if time were of no factor, I would like to go into detail on the subject of Mt. Washington. Let it suffice to say that I am in 100 percent agreement with the Study Committee, which looked into the matter with painstaking detail, and reached the conclusion that clearly state ownership and management is called for to protect this natural asset.

These, then, are only a few of the problems to which this administration has addressed itself during two terms in office. Among others, there were undertaken new and significant responsibilities through the signing of the Merrimack River Flood Control Compact; through the development of a new Civil Defense Plan; through creating the Council on the Problems of the Aging, and in appropriating funds to combat the creeping erosion of our famed landmark, the Old Man of the Mountains. These enterprises are part of your inheritance.

Parenthetically I should like to note that a chief executive gets blamed for some things I am sure he shouldn't be blamed for and perhaps is credited with some others when no credit was due. I am, therefore, grateful that the Great Stone Face did not plunge into Profile Lake during my administration. I suppose that some eons hence, and I indeed hope it is millions of years away, Mother Nature will destroy our God-given landmark just as surely as it was created by forces beyond our imagination. And no matter how distinguished that one-day successor of mine may be, I assume he will go down in history as "The man who was governor when the Great Stone Face was destroyed".

In the recession just past, I sought to throw the whole weight of state and local government behind efforts to speed recovery within our borders. Without seeking any credit for

favorable results, I wish again to thank all who cooperated with us, both in government and in private business and industry. The really important fact, I think, is that we kept our heads and — incidentally, thousands of jobs which otherwise might have vanished through frightened retrenching on the part of private employers or over-timidity among public agencies. We are now, as I have already assured you, well out of the woods.

This review should not omit some mention of the special legislative session which I called last February, when a fiscal emergency demanded prompt and effective remedial action.

A decision in November 1957 by the New Hampshire Supreme Court had ruled invalid the method used for 25 years to compute the franchise tax on gas and electric utilities. This decision deprived us of more than \$2,300,000 in funds available for the biennium. Even more troubling was the prospect of trying to balance future budgets without the half million dollars of annual income from this tax.

Under those conditions, I felt it my duty to seek the re-establishment of this tax. I obtained approval of the Executive Council and convened the Legislature. Within five days, despite the efforts of the protesting companies, the General Court adopted the Revised Levy, which is now producing larger annual revenues than the old formula struck down by the Supreme Court decision.

Reduced to a bare factual narrative, the story lacks drama. But, by a sweeping majority, with a minimum of delay, the 1957 Legislature wrote into our history a stern rebuke to any and all private interests who would seek to profit at the expense of the public well-being.

Equally important was the demonstration of the vitality of Constitutional Government in New Hampshire. We properly impose checks and balances by the separation of legislative, executive and judicial powers. This should not mean, however, that these three branches of government cannot work together expeditiously, each in its own area, to solve a critical problem. Upon the initiative of the executive, fortified with a judicial advisory opinion, the legislative bodies acted promptly and effectively to restore the state's financial security.

It was clearly demonstrated that the government of this state is a government of laws, not of men; a government which is more concerned with fair treatment of every citizen under

the law, than with the selfish concerns of any lobby, however powerful.

In my introductory remarks today, I spoke about how essential it is for state government to accept more responsibilities. It is equally essential for government at the local level to broaden its views and recognize the need of collective action to solve problems beyond the resources of any one community.

I believe that the only real alternative to further concentration of power in the federal government, at the expense of the local taxpayers, is joint action by the state and the localities to deal with demonstrated public needs.

The state is already doing much to encourage the creation of cooperative school districts, with impressive results. It should do even more. And this is equally true of every type of governmental service which the taxpayer underwrites and which lends itself to the economies offered by centralized operation.

I have spoken before about the attitude which furiously resists such a proposal whenever it is made. I have called it "Localism" and laid to its narrow minded and shortsighted obstinacy most of our real difficulties in trying to give every New Hampshire citizen what he pays for, from government.

We live in an age when people think nothing of commuting fifty, or even one hundred, miles daily to and from their jobs. We seek our recreation at distances which used to be prohibitive to all but the leisured rich. We find our markets clear across the country, if not the world.

Must we still be trammeled and blocked in our efforts to serve ourselves, as a statewide community, by the outmoded metes and bounds that some surveyor to the crown set up three centuries ago? Must we make do with a ramshackle schoolhouse that serves only a few score families, when the crossroads store that supplies those same households has long since yielded its trade to a supermarket five or ten miles away?

Our forefathers, handicapped as they were for transportation and communication, knew better. They came from miles around to raise a church, or even a barn. They knew — better than we — that anything worth doing or having requires the wholehearted efforts of all who can rally to make it a reality. They also knew that what only a few despaired of getting, a greater number could well afford.

As we look to the future, let us remember the lessons of the past. Our State **can** have better Government, **can** do more for its people — and without dipping ever further into their pockets — if we, the people, are willing to forget our pride of locality, our distrust of broader sympathies, in a united cause, and work together for what we want.

Mr. Pillsbury of Manchester offered the following resolution:

Resolved, That the Senate and House of Representatives in convention assembled this seventh day of January, 1959 have listened with gratification to the message of Governor Lane Dwinell and hereby express to him the high esteem in which we hold him and his conduct of his office, and be it further

Resolved, That the Clerk be instructed to procure 600 copies of his address in pamphlet form.

Resolution was unanimously adopted.

On motion of Senator Cates of District No. 4 the Convention rose.

Mr. Bell of Plymouth offered the following resolution:

Resolved, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeable to the Constitution and for the election of a Secretary of State and State Treasurer.

Senate Message

A message sent down from the Honorable Senate, by the Clerk, announced that the Senate has passed the following resolutions;

Resolved, That the House of Representatives be informed that the Senate will be ready to meet the House in Joint Convention for the purpose of canvassing votes for Governor and Councilors agreeably to the provisions in the Constitution, and for the election of a Secretary of State and State Treasurer.

Joint Convention

The Honorable Senate then came in and the two branches being in convention, on motion of Mr. Taft of Greenville:

Resolved, That the Honorable Secretary of State be requested to lay before the convention the returns of the votes

for Governor and Councilors cast in the last election. The Honorable Secretary of State then appeared and laid before the convention the returns of the votes for Governor and Councilors.

On motion of Mr. Hart of Laconia:

Resolved, That the votes for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

The Chairman appointed as members of such committee, Senator Cates of District No. 4, Messrs. Willey of Campton and Foote of Portsmouth.

Report of Committee

Senator Cates for the Joint Committee, to whom was referred the return of the votes cast for Governor and Councilors at the last biennial election, reported that it had examined, compared and counted the same, with the following result:

	1 9 5 8	
	FOR GOVERNOR	
	Powell	Boutin
Rockingham	20,173	9,313
Strafford	9,600	9,559
Belknap	5,584	5,573
Carroll	4,980	1,254
Merrimack	11,473	12,884
Hillsborough	28,993	36,605
Cheshire	6,366	6,109
Sullivan	4,505	4,886
Grafton	8,989	6,488
Coos	6,127	7,284
	<hr/>	
Totals	106,790	99,955

Wesley Powell having a plurality of all votes, was elected Governor.

FOR COUNCILORS**First District**

Daniel A. O'Brien, r, Lancaster	19,713	
James Campion, Jr., d, Hanover	12,535	
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Plurality for O'Brien		7,177

Second District

Thomas H. Keenan, r, Dover	26,672	
Henry L. Paradis, d, Rochester	14,169	
	<hr/>	
Plurality for Keenan		12,503

Third District

Roger E. Brassard, d, Manchester	23,035	
Paul M. Martel, r, Manchester	16,288	
	<hr/>	
Plurality for Brassard		6,747

Fourth District

Harold Weeks, r, Hinsdale	22,060	
Royal Dion, d, Nashua	20,556	
	<hr/>	
Plurality for Weeks		1,504

Fifth District

James H. Hayes, r, Concord	23,944	
Harry V. Spanos, d, Newport	15,012	
	<hr/>	
Plurality for Hayes		8,932

VOTE ON CONSTITUTIONAL AMENDMENT QUESTIONS

Election on November 4, 1958

	Question No. 1		Question No. 2		Question No. 3	
	Yes	No	Yes	No	Yes	No
Rockingham	13,158	4,297	13,274	3,528	12,983	2,629
Strafford	6,904	2,635	7,300	2,088	7,043	1,498
Belknap	4,839	1,401	4,469	1,216	4,748	810
Carroll	2,714	788	2,676	684	2,667	459
Merrimack	11,352	3,264	10,769	3,114	11,138	2,122
Hillsborough	28,932	8,468	27,806	7,947	26,563	5,663
Cheshire	6,178	1,470	6,217	1,279	6,216	825
Sullivan	4,316	1,382	4,318	1,243	4,432	840
Grafton	7,214	1,696	6,960	1,568	7,057	1,015
Coos	4,326	1,944	4,538	1,542	4,291	1,173
TOTALS	89,933	27,345	88,327	24,209	87,138	17,034

The report was accepted.

Mr. Chandler of Bartlett offered the following resolution:

Resolved, That a committee of seven be appointed by the Chair to wait upon the Honorable Wesley Powell and inform him officially of his election as Governor of the State of New Hampshire, and that the Senate and House of Representatives are ready to receive any communication from His Excellency at such time as he may desire.

The resolution was adopted and the Chair appointed Senator Adams of District No. 22, Senator Cummings of District No. 2, Mrs. Prescott of Brentwood, Messrs. Dunnington of Dover, McIsaac of Laconia, Aucella of Bennington and Miskelly of Keene.

Mr. Comi of Concord offered the following resolution:

Resolved, That a committee of five be appointed by the Chair to wait upon the Honorable Councilors, and inform them officially of their election to the Honorable Council. The resolution was adopted and the Chairman appointed as members Senator Bennett of District No. 5, Senator Martin of District No. 3 and Messrs. Bisbee of Derry, Poore of Goffstown and Mrs. Lord of Gilford.

Mrs. Davis of Concord offered the following resolution:

Resolved, That the Convention proceed with the election of a Secretary of State.

Resolution was adopted.

Senator Bennett of District No. 5 placed the name of Harry E. Jackson before the Convention as nominee for Secretary of State.

Mr. Karagianis of Laconia seconded the nomination.

Mr. Pickett of Keene moved that the Clerk cast one ballot for the election of Harry E. Jackson as Secretary of State.

On a *viva voce* vote the motion prevailed.

The Chairman declared Mr. Harry E. Jackson duly elected Secretary of State.

On motion of Mr. Bradley of Hanover, *Resolved*, That the Convention proceed with the election of State Treasurer.

Mr. Bigelow of Warner placed in nomination Mr. Alfred S. Cloues as Treasurer. Mr. Rowell of Newport seconded the nomination.

Mr. King of Manchester moved that the Clerk cast one ballot for the election of Alfred S. Cloues as Treasurer.

On a *viva voce* vote the motion prevailed.

The Chairman declared Mr. Alfred S. Cloues duly elected as State Treasurer.

On motion of Senator Rogers of District No. 6 the Convention rose.

House

Mrs. Griffin of Auburn offered the following resolution:

Resolved, That the Speaker of the House be authorized to appoint one custodian of mails and supplies, one warden of the coat room, one assistant warden of the coat room, one library messenger, one telephone messenger, five pages and one page to the Speaker.

The resolution was adopted.

Mr. Clement of Rochester offered the following resolution:

Resolved, That a committee of ten members, one from each county, be appointed by the Chair to select some suitable person to act as Chaplain during the present session of the Legislature and report such selection to the House for consideration.

The resolution was adopted and the Chair appointed as members of such committee the following: Mr. Maxham of Concord, Mr. Eastman of Exeter, Mrs. Berry of Barrington, Mr. Prescott of Laconia, Mr. Stokes of Freedom, Mr. Pickering of Hancock, Mr. Kredowicz of Keene, Mrs. Bailey of Newport, Mr. Porter of Lebanon and Mrs. Gagnon of Berlin.

Mr. Wheeler of Keene offered the following resolution:

Resolved, That a committee of four be appointed by the Speaker to assist the Clerk in providing as soon as possible 1,000 paper bound copies and 500 cloth bound copies of the Legislative Manual in substantially the same form and binding as that of 1957.

The resolution was adopted and the Speaker appointed as members of such committee the following: Mrs. Palmer of Plaistow, Bevan of Durham, Mrs. Ayer of Pittsfield and Mrs. Gagnon of Berlin.

Mrs. Forbes of Marlow offered the following concurrent resolution:

Resolved, That Joint Rules 1 to 12, inclusive, of the 1957

session be adopted as the Joint Rules of the Senate and House for this Session.

Resolution was adopted.

Mr. Hambleton of Goffstown offered the following resolution:

Resolved, That the Speaker appoint a committee of four to assign seats to the members. The resolution was adopted and the Speaker appointed on such committee Messrs. Hart of Laconia, Hambleton of Goffstown, Martel of Manchester, Ward 3 and Danforth of Manchester.

Mr. Haley of Keene offered the following resolution:

Resolved, That the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as they may deem necessary to be as follows: Speaker's stenographer, Clerk's stenographer, stenographer for Judiciary Committee, stenographer for Appropriations Committee, mileage Clerk, three stenographers for the House, one messenger for Judiciary Committee and one messenger for the Appropriations Committee, and a Clerk's messenger.

Resolution was adopted.

Mr. Downs of Conway offered the following resolution:

Resolved, That the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for various committees of the House.

The resolution was adopted and the Speaker appointed the following: Messrs. Bigelow of Warner, Hambleton of Goffstown and Sheridan of Berlin.

Mr. McMeekin of Haverhill moved that the rules of the 1957 session be adopted as the rules of the 1959 session.

On a *viva voce* vote the motion prevailed.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Diffenderfer of Ossipee, House Bill No. 1, An Act providing one season for taking deer. Referred to the Committee on Fish and Game.

By Mr. Lang of Manchester, Ward 1, House Bill No. 2, An Act relative to barbering schools and barbering instructors. To the Committee on Public Health.

By Mr. Brosnahan of Nashua, Ward 4, House Bill No. 3, An Act providing for the elimination of apprentices under the law relative to beauty parlors. To the Committee on Public Health.

By Mr. Brosnahan of Nashua, Ward 4, House Bill No. 4, An Act relative to the licensure of New Hampshire hairdressers who have attended school in other states. To the Committee on Public Health.

By Mr. McMeekin of Haverhill, House Bill No. 5, An Act relative to mileage allowance for members of the general court. To the Committee on Executive Departments and Administration.

By Mr. Lessels of Concord and Mr. Monahan of Hanover, House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities. To the Committee on Resources, Recreation and Development.

By Mr. McMeekin of Haverhill, House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill. To the Committee on Public Works.

By Mrs. DeLude of Unity, House Bill No. 8, An Act relative to civil defense powers of the governor to provide emergency lines of succession of appointive state offices. To the Committee on Judiciary.

By Mr. Bigelow of Warner, House Bill No. 9, An Act authorizing refund from motor vehicle road toll for state owned motor vehicles. To the Committee on Executive Departments and Administration.

By Mr. Diffenderfer of Ossipee, House Bill No. 10, An Act providing for the abolition of the milk control board. To the Committee on Agriculture.

By Mr. Merrill of Exeter, House Bill No. 11, An Act relative to engineering studies for future supplies of water for domestic uses. To the Committees on Resources, Recreation and Development.

By Mr. McMeekin of Haverhill, House Bill No. 12, An Act providing for free distribution of the legislative manual to high schools. To the Committee on Education.

By Mr. Green of Manchester, House Bill No. 13, An Act relative to giving security in court proceedings. To the Committee on Judiciary.

By Mr. Pickett of Keene, House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations. To the Committee on Appropriations.

By Mr. Batchelder of Deerfield, House Bill No. 15, An Act relative to ethical practices. To the Committee on Judiciary.

By Mr. Batchelder of Deerfield, House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse. To the Committee on Public Health.

By Mr. Batchelder of Deerfield, House Bill No. 17, An Act relative to town public officials being barred from certain private dealings. To the Committee on Municipal and County Government.

By Mr. London of New London, House Bill No. 18, An Act relative to suspension of motor vehicle licenses by municipal courts. To the Committee on Judiciary.

By Mrs. White of Portsmouth, House Bill No. 19, An Act relative to the charter of the City of Portsmouth. To the Portsmouth Delegation.

By Mr. Cushman of Orford, House Bill No. 20, An Act relative to incompatibility of office of selectman and member of the school board. To the Committee on Municipal and County Government.

By Mr. Cushman of Orford, House Bill No. 21, An Act relative to witnesses before legislative committees. To the Committee on Judiciary.

By Mr. Sanborn of Hampton Falls, House Bill No. 22, An Act establishing the State Historical Commission. To the Committee on Resources, Recreation and Development.

By Mr. Pillsbury of Manchester, House Bill No. 23, An Act providing for appointment of pro tempore members of ballot-law commission. To the Committee on Executive Departments and Administration.

By Mr. Plumer of Bristol, House Bill No. 24, An Act providing for the election of moderator and supervisors of the checklist at annual town meetings. To the Committee on Executive Departments.

By Mr. Terry of Westmoreland, House Bill No. 25, An Act relative to calling meetings of county executive committee. To the Committee on Municipal and County Government.

By Mr. Terry of Westmoreland, House Bill No. 26, An Act providing for investigations by county executive committee. To the Committee on Municipal and County Government.

By Mr. Pickett of Keene, House Bill No. 27, An Act relative to exemption under the provisions of stock-in-trade tax. To the Committee on Ways and Means.

By Mr. Pickett of Keene, House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon. To the Committee on Ways and Means.

By Mr. Hancock of Concord, House Bill No. 29, An Act relative to requirements for licenses under small loans act. To the Committee on Banks.

By Mr. King of Manchester, Ward 10, House Bill No. 30, An Act relative to the filing of straw candidates. To the Committee on Judiciary.

By Mr. Stearns of Hinsdale, House Bill No. 31, An Act relative to compensation for members of state aeronautics commission. To the Committee on Aviation.

By Mr. Falconer of Milford, House Bill No. 32, An Act legalizing the biennial election of 1958 in the town of Mont Vernon. To the Committee on Municipal and County Government.

By Mr. Murch of Portsmouth, House Bill No. 33, An Act relating to dogs. To the Committee on Judiciary.

By Mr. Foote of Portsmouth, House Bill No. 34, An Act increasing the salary of the justice of the Portsmouth municipal court. To the Delegation from Portsmouth.

By Mr. Murch of Portsmouth, House Bill No. 35, An Act relating to bail and recognizances and justices of the peace. To the Committee on Judiciary.

By Mr. Junkins of Hampton, House Bill No. 36, An Act relating to payments to cities and towns by municipal courts. To the Committee on Municipal and County Government.

By Mr. King of Manchester, Ward 10, House Bill No. 37, An Act relating to nonsupport. To the Committee on Judiciary.

By Mrs. Taylor of Whitefield, House Bill No. 38, An Act relating to the jurisdiction of juvenile courts. To the Committee on Judiciary.

By Mrs. DeLude of Unity, House Bill No. 39, An Act relative to major natural disasters. To the Committee on Executive Departments and Administration.

By Mr. Stevenson of Bethlehem, House Bill No. 40, An Act relative to serving milk for drinking from bulk containers. To the Committee on Agriculture.

By Mr. Willey of Campton, House Bill No. 41, An Act providing for adjustments in the so-called legislative mileage table. To the Committee on Executive Departments and Administration.

By Mr. Hart of Laconia, House Bill No. 42, An Act relative to fill in great ponds and purchase of sand or gravel from the bed of public waters. To the Committee on Resources, Recreation and Development.

By Mr. King of Manchester and Mrs. Ainley of Manchester, House Joint Resolution No. 1, Joint Resolution to authorize the purchase of seats for the House of Representatives.

Read a first and second time and Mr. McMeekin of Haverhill moved that the rules be so far suspended as to dispense with the printing and committee reference, and that the resolution be put on third reading and final passage at the present time.

On a *viva voce* vote the motion prevailed.

House Joint Resolution No. 1 was read a third time, passed and sent to the Honorable Senate for concurrence.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Green of Manchester, Ward 1, House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube. To the Committee on Claims.

By Mr. Newell of Concord, House Joint Resolution No. 3, Joint Resolution providing for additional expenditures by the

board of professional engineers. To the Committee on Appropriations.

By Mr. Batchelder of Deerfield, House Joint Resolution No. 4, Joint Resolution relative to legislative committee hearings. To the Committee on Judiciary.

By Mr. Sanborn of Hampton Falls, House Joint Resolution No. 5, Joint Resolution providing for the repair and reconditioning of the Meshech Ware Monument at Hampton Falls. To the Committee on Public Works.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Salute to the Flag

Mr. Angus of Claremont led the House in the salute to the flag.

Prayer

The following prayer was offered by Mr. Eastman of Weare:

Our Father, regard us with favor this morning remembering that we are Thy children. Let us not be haughty and prideful in our independence remembering that our liberty is under God. Keep us from being satisfied with our own plans and schemes and eager to search out Thy will and Thy plan. Teach us to claim righteousness, as a people — before we claim prosperity. Bless, we pray, these legislators that they shall not be energized by the fire of ambition in their task, but motivated by the spirit of service as was Jesus in Whose name we pray. Amen.

On motion of Mrs. Ainley of Manchester the House adjourned at 2:15 o'clock.

THURSDAY, JANUARY 8, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Reverend J. W. Pennington of Concord.

Eternal God, Thou Who hast set Thy law in the hearts of men, inspiring us to perform works of peace and love, we meet here on this Inaugural Day with the spirit of praise in our hearts. Surrounding us in these hallowed walls of government is a heritage and a memory of men and women, who, before us, have enacted the legislation of our State. Dedication to public service, keen sensitivity to the needs of people, courageous expression of honest opinion, careful thought, and finally, forthright action . . . all these represent the priceless gifts, the rich heritage bestowed on us by the lawmakers of our great Granite State who have preceded us in this place.

Today, as this Legislature meets for its second time, its first meeting in the administration of a new Governor, we offer to Thee, O God, our earnest prayer, for we would consecrate ourselves to embody in our Legislature now, the great ideals of the American people, the birthright of democracy. We pray that the spirit of Inauguration may find residence in our hearts and in our minds, renewing within each man and woman present, the commitment to be guided in deliberations and in decisions by the religious values of his life. May truth, honest concern and respect for the genuine well-being of persons be so prominent in the affairs of the House and the Senate of New Hampshire, that our entire peoplehood will come to recognize that the beauty of our fair State lies not alone in her mountains, her lakes, her shoreline and her friendly communities, but fully as much in the men and women in our State Legislature, as together they forge new instruments of prosperity and progress. Hear our prayer, O God, this day, for we commit ourselves now as always to the service of great causes, and the meeting of urgent human needs. Amen.

Salute to the Flag

Mr. Green of Manchester led the Convention in the salute to the Flag.

House

Mr. Gilman of Farmington offered the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:30 o'clock for the purpose of receiving His Excellency, the Governor, and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

On a *viva voce* vote the resolution was unanimously adopted.

Senate Message

A message sent down from the Honorable Senate, by the Clerk, announced that the Senate has passed the following resolution:

Resolved, That the Senate be ready to meet the House of Representatives in joint convention as suggested by the House message at eleven-thirty o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make and for the transaction of any other business that may properly come before such convention.

Joint Convention

The Speaker adjourned the Convention to the Plaza for Inaugural ceremonies.

The Senate and House being in Convention on the Plaza at 11:40 o'clock, Senator Adams of District No. 22 offered the following report:

The Joint Committee appointed to wait upon Honorable Wesley Powell and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted the said office and will meet the Senate and House of Representatives in Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

The report was accepted.

Senator Bennett of District No. 5 offered the following report:

The Joint Committee appointed to wait upon Daniel A.

O'Brien, Thomas H. Keenan, Roger E. Brassard, Harold Weeks, and James H. Hayes and inform them officially of their election to the Honorable Council, reports that it has attended to its duties, and that all of the gentlemen named have accepted the office.

The report was accepted.

The Governor-elect and the Councilors-elect proceeded to the Plaza.

The Invocation was offered by the Reverend Everett R. Scruton, Pastor of the First Baptist Church of Hampton Falls.

The President of the Senate, Norman A. Packard, administered the oath of office to His Excellency, the Governor, Wesley Powell and proclaimed Mr. Powell Governor and presented him with a copy of the state constitution.

His Excellency, the Governor, then administered the oath of office to the Honorable Council.

A Thanksgiving prayer was then offered by Brigadier William T. Powell, Principal of the Salvation Army Training School, Atlanta, Georgia.

The Governor then delivered his Inaugural Address as follows:

Mr. Speaker, Mr. President, Members of the General Court, and fellow citizens, I humbly accept and will always treasure and protect the honor of this high office. In gratitude for this opportunity to serve New Hampshire, I enter upon my solemn obligation with a deep sense of humility and with dedication to the high ideals of our representative government.

We are proud of our state and its heritage of liberty. Our enjoyment of the fundamental principles of our way of life is a blessing come to us through centuries of political struggle. It is upon the preservation of this blessing our liberty must rest. To that course which will seemingly best preserve the blessing, I pledge my heart and whatever talent and energy my Creator has given to me.

I believe in the proposition that the government which governs least governs best. Simplicity is the very heart of good government. Each new function assumed by government and each new cost represent new potential threats to the liberty of the individual. Yet, in our time, it has become the fashion to ever increase the public pay roll and the public

budget. This fashion at all levels of government has helped to lay the sorrowful hand of unbridled taxation and inflation upon many of our people.

As we meet here today, I can tell you with truth and gladness that your state is solvent. I must tell you also of my conviction that my first duty as Governor is to help keep it this way.

It is my persuasion that no lasting good can come from an effort to do too much too soon and too elaborately. Furthermore, it is my belief there is a growing agreement on this issue among the people. Yet, whether that be so or not, it is the duty of leadership to point the way and, in due time, the right of the citizenry to change course if that be their wish.

We all want our government to continue to be of, by and for all the people. I believe we want our people to continue self-reliant. I believe it is the will of most to be self-sufficient to the extent soundness of body and mind allow. I believe it is a primary responsibility of the community to do the best it can, within its means, to care for those who can not care for themselves because of a tragedy of birth or life.

I furthermore believe, however, it is wrong for government to encourage dependence upon it by more fortunate citizens who can be and should be independent. I believe government employment should not be a place of refuge for those who simply seek security, but rather should be a place for dedicated service.

This leadership is aware of the need for increased investment in certain fields directly involving the better future of our state. Yet along the road to this day it was made clear that even in such fields the extent of the investment must be determined by the means of the public treasury. My firm pledge against the imposition of new broad base taxes was sincere and will be kept. Kept also will be the pledge to seek greater efficiency of state government organization and service. In the budget message I shall speak in detail on these latter points, but it is my duty to say now that there should be increased efficiency before there is increased spending.

I did not arrive at this place under unknown colors. In all of the years I lost as well as in the year I won the issues, including the fundamental issue of the preservation of our representative government, free enterprise system and free institutions, have been met squarely. Simply expressed, it is my be-

lief that a part of the price of continued liberty is sometimes sacrifice. If those of other ideologies are willing to tighten their belts to destroy liberty, then certainly we ought to be willing to tighten our belts to save it.

It is my prayer that our pastures shall be cloaked with flocks and our valleys with corn; that in city and country our people may be blessed with honest labor and its good return; that wisdom shall abound; that charity shall fill each heart; that thanksgiving shall be upon the lips of all our people; and that the Lord shall be my shepherd.

The Benediction was then offered by the Most Reverend Matthew F. Brady, Roman Catholic Bishop of Manchester.

The Convention reconvened in Representatives Hall.

Joint Convention rose.

House

Resolutions

Mr. McMeekin of Haverhill offered the following resolution:

Resolved, That the House of Representatives has listened with gratification to the message of Governor Wesley Powell and hereby expresses to him the high esteem in which we hold him.

On a *viva voce* vote the resolution was adopted.

Mr. King of Manchester offered the following resolution:

Resolved, That the Clerk be instructed to have the address of Governor Wesley Powell printed in the Journal and 600 additional copies be printed in pamphlet form.

On a *viva voce* vote the resolution was adopted.

Mr. Nolan of Manchester offered the following resolution:

Whereas, Patrick Winston, elected Member of the House from Manchester, Ward 4, has passed away, therefore be it

Resolved, That we, the Members of the House of Representatives of the New Hampshire General Court, extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these resolutions.

On a rising vote the resolution was unanimously adopted.

Mr. O'Shan of Laconia offered the following resolution:

Whereas, Harold Hagget, elected Member of the House from Belmont, has passed away, therefore be it

Resolved, That we the Members of the House of Representatives of the New Hampshire General Court, extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these resolutions.

On a rising vote the resolution was unanimously adopted.

Mrs. Palmer of Plaistow offered the following resolution:

Whereas, Walter Tenney, elected Member of the House from Chester, has passed away, therefore be it

Resolved, That we, the Members of the House of Representatives of the New Hampshire General Court, extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these resolutions.

On a rising vote the resolution was unanimously adopted.

Mr. Bigelow of Warner offered the following resolution:

Whereas, we have learned with sorrow of the passing of Mary L. Peaslee of Merrimack, wife of Representative Bert L. Peaslee, therefore be it

Resolved, That we, the Members of this House of Representatives, do hereby express our sympathy to Mr. Peaslee and his family, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Peaslee.

On a *viva voce* vote the resolution was unanimously adopted.

Communications

January 7, 1959

Hon. Stewart Lamprey
Speaker of the House
General Court
State House, Concord, N. H.

DEAR SIR:

May I offer my congratulations on your election to speaker of the House of Representatives.

As you probably know the problem of parking while the General Court is in session is always a problem. It is extremely difficult and expensive to provide adequate parking space for our normal business and shopping public. With the influx of over 400 legislators, most of whom drive their cars into town, the problem becomes very acute indeed.

In order to clarify the situation and make the legislators stay in Concord as pleasant as possible, I am offering a few rules that will, I hope, make the problem tolerable to both General Court and the general public.

No. 1. The Concord Police Department will refrain from tagging any legislative car that is properly parked and properly identified by either legislative plates or stickers, with the exception of North Main Street, the South and East side of the post office or Federal Building.

For those legislators that do not use legislative number plates, there are windshield stickers available at Police Headquarters. However, the legislative plates are more noticeable to our officers than stickers and generally not obscured by ice and snow.

No. 2. These provisions apply only on days when the General Court is in session.

No. 3. We cannot disregard all night parking at any time. Our snow removal, sanding, and salting equipment usually start working at midnight. We cannot afford to have this expensive equipment interfered with by all night parkers.

No. 4. The manager of the A & P Super Market has often requested that members of the General Court refrain from parking directly in front of his store on Park Street for long periods of time, inasmuch, as this means a serious loss of business and some inconvenience to him.

Since the last General Court was in session, the City of Concord has adopted a so-called J-Walking ordinance. This, in effect, prohibits pedestrians from crossing our Main Street, except at marked crossings. We are also enforcing the State Laws which requires drivers of motor vehicles to yield the right of way to pedestrians who are properly crossing our streets at intersections and marked crosswalks. (Section 263, Section 45, RSA)

We feel that these provisions will help the members of the General Court just as they have our own Concord residents.

Should any further problems arise, please feel free to call on the Concord Police Department for assistance at any time. We are always open.

Sincerely yours,

WALTER H. CARLSON
Chief of Police

Mr. Pickett of Keene moved that the rules be so far suspended as to allow business in order at 3:00 o'clock to be in order at the present time, and when the House adjourns today it be to meet next Tuesday at 11:00 o'clock.

On motion of Mrs. Davis of Concord at 1:39 o'clock the House adjourned.

TUESDAY, JANUARY 13, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

"God give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor . . . men who will not lie;
Men who can stand before a demagogue
And scorn his treacherous flatteries without winking;
Tall men, sun-crowned who live above the fog
In public duty and in private thinking."

We offer thanks for the opportunity of serving Thee, O God, through the diligent stewardship of our State and its people. May each "live above the fog in public duty and in private thinking". Amen.

Mr. Bigelow of Warner led the Convention in the salute to the flag.

House

Leaves of Absence

Mr. Philbrick of Rye was granted leave of absence for the week on account of illness. Messrs. Pickering of Hancock, Wiggin of Dover and Miskelly of Keene were granted indefinite leaves of absence on account of illness.

Announcement

The Speaker announced that Mr. Gilman of Farmington would serve as Majority Floor Leader and Mr. King of Manchester would serve as Minority Floor Leader for the 1959 session.

Speaker's Remarks

I would like to take this opportunity, as perhaps it will be the only opportunity I have to address this House and make any remarks that are of a personal nature.

First, I would like to thank this House for the great honor they have bestowed upon me by electing me their Speaker. I look upon this election as perhaps the greatest honor that can be bestowed upon any individual.

The Chair will do everything that is humanly possible to bring about an early and speedy adjournment and your cooperation as members of this honorable body will help me accomplish this objective.

The Chair is very enthusiastic about the program that will be presented to the House during the coming session. He is enthusiastic about the leadership of the House and believes that every member of the House can support the program that will be introduced here in the next few weeks.

The Chair will at all times try to be fair. He will try to be honest with every member of the House and honest to himself.

The Chair cannot be all things to all people but he will try to be gentle and on the other hand will be firm in his decisions and consistent with his convictions.

The Chair would also like to state that he has a great personal respect for the minority leader, the Honorable John King, and expects that there will be a high degree of cooperation between the two major parties in the best interests of the people of New Hampshire.

Last, but not least, the Chair asks the members of the

House that those desiring to engage in conversation will please move to the Sergeant-at-Arms room so that those people who desire to hear the debates may do so. Major decisions will be before this General Court which will be of great importance to the people of this state and every legislator has the right to hear both sides of every subject.

I want to thank you again for this honor, and I invite the cooperation of everyone so that when this session is adjourned we may be well satisfied with the results attained.

Miss Loizeaux of Plymouth offered the following resolution:

Resolved, That the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House, and officers thereof, during the days when the House is in session, two daily newspapers published in the State, each member and officer to choose the paper he desires to have and indicate the same to the Sergeant-at-Arms forthwith.

On a *viva voce* vote the resolution was adopted.

Mr. McAllister of Barnstead offered the following resolution:

Resolved, That the salary of the members of the House of Representatives be so divided that any member may receive one-fourth of his salary monthly for the first three months, the balance to be paid at the adjournment of the session, and be it further

Resolved, That mileage of members of the House of Representatives be paid every two weeks during the session.

On a *viva voce* vote the resolution was adopted.

Mr. King of Manchester offered the following resolution:

Resolved, That the Speaker be authorized to assign a page for duty at the public address system and to hire an additional page, under the same terms and conditions now covering pages, to replace the page assigned to the microphone.

On a *viva voce* vote the resolution was adopted.

Mrs. Ainley of Manchester offered the following resolution:

Resolved, That the Clerk be instructed to procure 1500 copies of standing committees in booklet form.

On a *viva voce* vote the resolution was adopted.

Mrs. Brungot of Berlin offered the following resolution:

Resolved, That the rules regarding smoking from 11 to 12 noon during the sessions of the House which were observed during previous sessions be in force for this session.

On a *viva voce* vote the resolution was adopted.

Mr. Gilman of Farmington offered the following resolution:

Resolved, That the deadline for introduction of bills be extended from January 22, to February 5, 1959.

As above resolution called for a division vote the Speaker appointed the following as temporary Tellers:

Division 1, Mr. Angus of Claremont

Division 2, Mr. Pickett of Keene

Division 3, Mr. Deans of Milford

Division 4, Mr. Rowell of Newport

Division 5, Mr. Hart of Laconia

A division being had, 344 members voting in the affirmative and none in the negative, the resolution was adopted.

(Discussion ensued)

The Speaker explained the procedure of filing bills in the Attorney General's office by title only.

Mr. Pickett of Keene asked the Speaker if bills could not be filed through the Rules Committee after the deadline and up to the end of the session.

The Speaker agreed.

Attaches

The Speaker announced that all elective attaches had been sworn in this morning at 10:00 o'clock in his office.

The Speaker also announced appointment of the following

Attaches

Speaker's Page, Albert Ayotte of Franklin.

Custodian of the Mails, Fred C. Abbott of Concord.

Division Pages, James Martin of Concord, Ann Sadler of Portsmouth, Thomas Manning of Manchester, James Learson of Berlin and Herbert Willard of Temple.

Coatroom Warden, J. Edward Silva of Concord.

Assistant Warden of the Coat Room, Mellen B. Benson of Conway.

Library Messenger, Forrest A. Bucklin of Laconia.

Telephone Messenger, Edith B. Gardner of Gilford.

Clerk's Messenger, Randolph Milligan of Newbury.

Speaker's Stenographer, Helene H. Webster of Concord.

Clerk's Stenographer, Margaret L. Ford of Concord.

House Stenographers, Alice V. Flanders of Henniker, Marion C. Colby of Concord, Dorothy F. Greenly of Henniker.

Supervisor of the Public Address System, H. Furber Jewett of Wolfeboro.

Mileage Clerk, Alice P. Pinkham of Northwood.

Qualified

The following named members, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took their seats as members of the House: Messrs. Edward E. Brown of Keene, J. Daniel Porter of Lebanon, Ernest L. Pinkham of Northwood, Oliver A. Dussault of Berlin, David Deans, Jr., of Milford, Edward F. Locke of New Boston, Bert L. Peaslee of Merrimack and Victor E. Phelps of Andover.

Mr. Pillsbury of Manchester offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, that Joint Rule No. 13 of the 1957 session be adopted for the present session.

Mr. Pillsbury spoke in favor of the resolution and explained Rule No. 13.

(Discussion ensued)

On a rising vote the count was manifestly affirmative and the concurrent resolution was adopted.

Resolutions

Messrs. Hambleton, Branch and Nickerson of Goffstown offered the following resolution:

Whereas, Alfred W. Poore, Sr., Representative from Goffstown, has been absent on account of illness, therefore be it

Resolved, That we, the members of the House of Representatives, extend to our fellow member our sympathy and best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Poore a copy of these Resolutions.

On a *viva voce* vote the resolution was adopted.

Mr. Hart of Laconia offered the following resolution:

Whereas, Sheldon Miner of Meredith has passed away, and

Whereas, Mr. Miner was the husband of Ruth Fay Miner, a former Representative from Meredith, therefore, be it

Resolved, That we, the members of the House of Representatives, extend to our former fellow member our deep sympathy in her bereavement, and be it further

Resolved, That the Clerk of the House transmit to former Representative Miner a copy of these Resolutions.

On a *viva voce* vote the resolution was adopted.

Introduction of Bills

The following bills and House Joint Resolutions were severally read a first and second time, laid upon the table for printing and referred as follows:

By Mr. McMeekin of Haverhill, House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds. To the Committee on Executive Departments and Administration.

By Mr. Lavoie of Manchester, Ward 8, House Bill No. 44, An Act increasing the public utilities commission from three to five members and reducing the term from six to five years. To the Committee on Executive Departments and Administration.

By Mr. Lavoie of Manchester, Ward 8, House Bill No. 45, An Act relative to compensation for motor vehicle damage resulting from collision with deer. To the Committee on Fish and Game.

By Mr. Geisel of Manchester, Ward 2, House Bill No. 46, An Act relative to registration fee for public bus. To the Committee on Transportation.

By Mr. Hart of Laconia, House Bill No. 47, An Act relative to distribution by the state of sums paid by the Commonwealth of Massachusetts on account of Merrimack River Flood Control Compact. To the Committee on Resources, Recreation and Development.

By Mr. Pickett of Keene, House Bill No. 48, An Act relative to the marking of obstructions to air flight. To the Committee on Aviation.

By Mr. Edwards of Antrim, House Bill No. 49, An Act to change the classification of the Crotched Mountain Road in Greenfield. To the Committee on Public Works.

By Mr. Comi of Concord, House Bill No. 50, An Act relative to unused accumulated sick leave by employees. To the Committee on Executive Departments and Administration.

By Mr. Green of Manchester, Ward 1, House Bill No. 51, An Act relative to wholesaler's permits for sale of liquor and beverages. To the Committee on Judiciary.

By Mr. Hunt of Salisbury, House Bill No. 52, An Act providing for the re-apportionment of representatives in certain towns for the 1961 session of the General Court. To the Committee on Executive Departments and Administration.

By Mr. Pickett of Keene, House Joint Resolution No. 6, Joint Resolution providing for the acquisition of aircraft. To the Committee on Aviation.

By Mr. Coutermarsh of Lebanon, House Joint Resolution No. 7, Joint Resolution in favor of Ralph Chapman. To the Committee on Executive Departments and Administration.

By Mr. Batchelder of Deerfield, House Joint Resolution No. 8, Joint Resolution relative to civil defense emergency procedures. To the Committee on Executive Departments and Administration.

By Mr. Coutermarsh of Lebanon, House Joint Resolution No. 9, Joint Resolution relative to a joint legislative committee to investigate the methods and practices of the management of the Boston and Maine Railroad. To the Committee on Judiciary.

Announcements

The Speaker announced that committee appointments would be printed in today's Journal as follows:

Agriculture

Clement of Landaff, Chairman

Beard of Lebanon, Vice-Chairman

Presby of Loudon

Persson of Candia

Hayford of Milford

Davis of Cornish

Nickerson of Tamworth	Breck of Wentworth
Nickerson of Madison	Palmer of Kensington
Bragdon of Amherst	Lafond of Hooksett
Pickering of Hancock	Guilbeault of Allenstown
Brown of Strafford	Watson of Rochester
Gilbert of Bath	Stokes of Freedom
Legallee of Litchfield	Burrows of Claremont
Oakes of Columbia	

Appropriations

Rowell of Newport, Chairman	
Bell of Plymouth, Vice-Chairman	
Hodgdon of Tuftonboro	Davis of Concord
Dunnington of Dover	Lord of Gilford
Taylor of Whitefield	Sheridan of Berlin
Atwood of Sanbornton	Smith of Manchester
Ballam of Walpole	St. Pierre of Rochester
Clement of Rochester	Belcourt of Nashua
McCullough of Keene	Bailey of Newport
Nelson of Hopkinton	Crowley of Manchester
Loizeaux of Plymouth	King of Manchester
Spofford of Jaffrey	

Aviation

Henry of Concord, Chairman	
Hackler of Swanzey, Vice-Chairman	
Kelly of Littleton	Willey of Campton
Pettigrew of Manchester	Chamberlain of Wolfeboro
Swenson of Concord	Mannion of Concord
Thompson of Wilmot	Marcoux of Nashua
Collyer of Lisbon	Chartrain of Nashua
Gordon of Sandown	Levasseur of Manchester
Lang of Manchester	Noel of Manchester
Russell of Claremont	Perreault of Berlin
Willis of Salem	

Banks

Dutton of Peterborough, Chairman	
Crockett of Gorham, Vice-Chairman	
Geisel of Manchester	Edwards of Antrim
Wiggin of Dover	Pinkham of Northwood

Clark of Derry	Nolan of Manchester
Burrell of Littleton	Walsh of Manchester
Locke of New Boston	DeLisle of Manchester
Stearns of Hinsdale	Maynard of Nashua
Smith of Exeter	Champagne of Manchester
Gay of Derry	Harkins of Laconia
Carter of North Hampton	Hartigan of Rochester
Leighton of Dover	

Claims

Bigelow of Warner, Chairman	
Sheehy of Newfields, Vice-Chairman	
Taft of Greenville	Beard of Lebanon
Carkin of Portsmouth	O'Neil of Concord
Burleigh of Northfield	Christy of Manchester
Bates of Chichester	McGee of Lincoln
Terrill of Keene	Pickett of Keene
Langford of Raymond	Nolan of Manchester
Thompson of Wilmot	Malley of Somersworth
Henry of Concord	Dionne of Nashua
Vadney of Francestown	Blanchette of Dover
Sawyer of Winchester	

Education

Brown of Sandwich, Chairman	
Bradley of Hanover, Vice-Chairman	
Rollins of Alton	Long of Kingston
O'Neil of Chesterfield	Chase of Concord
Whipple of Lebanon	Blair of Epping
Berry of Barrington	Martel of Manchester,
Moulton of New Durham	Ward 12
Plummer of Bristol	Branch of Goffstown
Bevin of Durham	Neale of Hanover
Faulkner of Keene	Hart of Manchester
Chase of Durham	Styles of Northumberland
Weeks of Greenland	Gamache of Hudson

Elections

Junkins of Hampton	Dondero of Portsmouth
Green of Manchester	Sheridan of Berlin
Snow of Gilmanton	

Engrossed Bills

Shepard of Londonderry	Johnson of Monroe
Palmer of Plaistow	Edson of Lebanon
Davis of Woodstock	Lacasse of Berlin

Executive Departments and Administration

McMeekin of Haverhill, Chairman

Marx of Langdon, Vice-Chairman

Merrill of Exeter	Taft of Greenville
Bates of Chichester	Hanson of Bow
Karagianis of Laconia	Graham of Canaan
Snow of Gilmanton	Congdon of Troy
DeLude of Unity	Ecker of Manchester
Hunt of Salisbury	Christy of Manchester
Aucella of Bennington	Eastman of Weare
Mulaire of Hooksett	Gagnon of Berlin
White of Portsmouth,	Grimes of Dover
Ward 4	Cullity of Manchester

Fish and Game

Bisbee of Derry, Chairman

Cheney of Newton, Vice-Chairman

Brown of Newport	Forbes of Marlow
Merrifield of Sunapee	Rolfe of Rochester
Spalding of Plainfield	Desjardins of Dover
Felch of Seabrook	Bushey of Northumberland
Kimball of Jefferson	Dussault of Berlin
Emery of Stark	LaFrance of Manchester
Philbrick of Springfield	Keating of Keene
Drew of Farmington	Trombly of Nashua
Perry of Newbury	Pelissier of Manchester
Birch of Lyman	

Insurance

Goode of Manchester, Chairman

Woodman of Concord, Vice-Chairman

Hambleton of Goffstown	Sanborn of Hampton Falls
Varney of Rochester	Johnson of Monroe
Lacaillade of Laconia	Betley of Manchester
Bigelow of Warner	Maloomian of Somersworth
Johnson of Rochester	O'Connor of Manchester

Ainley of Manchester	Salvail of Nashua
Stonemetz of Dover	Latour of Nashua
Faulkner of Milford	Lavoie of Manchester
Simonds of Lancaster	Guay of Lebanon
Bradley of Thornton	

Interstate Cooperation

Kimball of Manchester, Chairman	
Haley of Keene, Vice-Chairman	
Hart of Laconia	King of Manchester
Delude of Unity	Malley of Somersworth

Journal

Speaker	Vachon of Manchester
Loizeaux of Plymouth	Belanger of Manchester
Aucella of Bennington	

Judiciary

Crosby of Hillsborough, Chairman	
Frizzell of Charlestown, Vice-Chairman	
Green of Manchester	Roberts of Conway
London of New London	Cooper of Nashua
Brungot of Berlin	Pickett of Keene
Pillsbury of Manchester	Dondero of Portsmouth
Griffin of Auburn	Healy of Manchester
Junkins of Hampton	Martel of Manchester
Gove of Concord	Pappagianis of Nashua
Peever of Salem	Normandin of Laconia
Eastman of Exeter	Tobin of Manchester
Ayer of Pittsfield	

Labor

Angus of Claremont, Chairman	
Shepard of Londonderry, Vice-Chairman	
Frost of Winchester	Richardson of Dover
Saltmarsh of Concord	Lacasse of Rochester
O'Neil of Concord	Gallagher of Hudson
Christiansen of Berlin	Ryan of Nashua
Hodgman of Pelham	Lacasse of Berlin
Comi of Concord	Brosnahan of Nashua

Waterhouse of Windham	Laflamme of Concord
Maxfield of Rochester	Griffin of Nashua
Stevenson of Bethlehem	Ingraham of Portsmouth
Varrell of Laconia	

Liquor Laws

Underhill of Nashua, Chairman

Foote of Portsmouth, Vice-Chairman

Wardwell of Portsmouth	Graham of Gorham
Nickerson of Goffstown	Clancy of Manchester
Nahil of Claremont	Labranche of Newmarket
Langford of Raymond	Bergeron of Manchester
Danforth of Manchester	Sullivan of Manchester
Murch of Portsmouth	Hurley of Manchester
Boomhower of Franklin	Rousseau of Manchester
Draper of Wilton	Manning of Manchester
Poore of Goffstown	Healy of Manchester
Brown of Keene	

Mileage

McAllister of Barnstead	Kearns of Manchester
Mulair of Hooksett	Maloomian of Somersworth
Clark of Derry	

Municipal and County Government

Deans of Milford, Chairman

Hancock of Concord, Vice-Chairman

Peaslee of Merrimack	Eastman of Ashland
Turner of Gilsum	Gilman of Farmington
Smith of Meredith	Bouthillier of Nashua
Phillips of Claremont	Kinghorn of Piermont
Littlehale of Durham	Desnoyer of Claremont
Collishaw of Exeter	Daneault of Hudson
Wheeler of Keene	Downing of Newport
Leonard of Franklin	Gauthier of Manchester
Gowing of Dublin	Boisvert of Rollinsford
Parker of Stratham	

Military and Veterans' Affairs

Jenkins of Newcastle, Chairman

Batchelder of Deerfield, Vice-Chairman

Blaisdell of Portsmouth	Pike of Fitzwilliam
Chamberlain of Holderness	Thibeault of Pembroke
Burleigh of Northfield	Cormier of Somersworth
Reid of Milton	Bissonnette of Nashua
Howe of Tilton	LeBlanc of Manchester
Swett of Lancaster	Compagna of Manchester
Rufo of Concord	Twadus of Newmarket
Sawyer of Winchester	Vachon of Manchester
Bradbury of Claremont	Daniel of Manchester
Wood of Portsmouth	

Public Health

Claffin of Wolfeboro, Chairman

Goodwin of Hollis, Vice-Chairman

White of Portsmouth,	Carkin of Portsmouth
Ward 5	Washburn of Alstead
Spollett of Hampstead	Carter of North Hampton
Bennett of Keene	Bouley of Nashua
Hill of Conway	Maston of Manchester
Porter of Lebanon	Gingras of Nashua
Pinkham of Northwood	Grandmaison of Nashua
Palmer of Plaistow	Dowd of Concord
Cross of Portsmouth	Thompson of Franklin
Herrick of Deering	Bouchard of Berlin

Public Welfare and State Institutions

Converse of Pittsburg, Chairman

Cilley of Concord, Vice-Chairman

Haywood of Hanover	Thibault of Nashua
Peaslee of Concord	O'Shan of Laconia
Saunders of Nashua	Tessier of Manchester
Terrill of Keene	Carey of Manchester
Roulston of Salem	LeClerc of Manchester
Cole of Nashua	Gaffney of Claremont
Baker of Stewartstown	Thompson of Franklin
Bouvier of Swanzey	Blanchette of Dover
Allen of Rindge	Vincent of Somersworth
Robinson of South Hampton	

Public Works

Galloway of Walpole, Chairman

Philbrick of Rye, Vice-Chairman

Marsh of Colebrook	McGrath of Pittsfield
Calcutt of Dover	Wirkkala of Lempster
Ayre of Laconia	Lafond of Manchester
Moore of Bradford	Fortier of Berlin
Kimball of Manchester	D'amante of Claremont
Robinson of Concord	Gilman of Franklin
Carr of Epsom	Plourde of Pembroke
Emerson of Dalton	Keefe of Portsmouth
Dame of Portsmouth	Boisvert of Nashua
Newell of Concord	

Resources, Recreation and Development

Monahan of Hanover, Chairman

Barney of Rumney, Vice-Chairman

Hunter of Hampton	Kimball of Derry
Hart of Laconia	Lessels of Concord
Rice of Peterborough	Stinson of Stratford
Oliver of Marlboro	Phelps of Andover
Urie of New Hampton	Nalette of Manchester
Maxham of Concord	Habel of Somersworth
Potter of Milan	Perrault of Berlin
Blanchard of Jackson	Pickering of Meredith
Burbank of Laconia	Stone of Webster
Davis of Woodstock	

Rules

Speaker	McMeekin of Haverhill
Atwood of Sanbornton	King of Manchester
Green of Manchester	Kearns of Manchester
Gilman of Farmington	

Transportation

Terry of Westmoreland, Chairman

Flynn of Boscawen, Vice-Chairman

Sanborn of Enfield	Vadney of Francestown
Armstrong of Manchester	Armstrong of Littleton
Carpenter of Henniker	McGee of Lincoln
Thompson of New Ipswich	Burke of Manchester

Sawyer of Winchester	Edson of Lebanon
Bucklin of Alexandria	Belanger of Manchester
Colbath of Dover	Courtemarsh of Lebanon
Graham of Gorham	Flanagan of Dover
Cushman of Orford	Charland of Franklin
Randall of Lee	

Ways and Means

Chandler of Bartlett, Chairman

Prescott of Brentwood, Vice-Chairman

Diffenderfer of Ossipee	Downs of Conway
Haley of Keene	Duchano of Wakefield
Larty of Haverhill	Dion of Manchester
Wiggin of Bedford	Morris of Manchester
Haskins of Lyme	Casey of Manchester
Prescott of Laconia	Kearns of Manchester
McAllister of Barnstead	Malley of Somersworth
Miskelly of Keene	Sabluski of Nashua
Gordon of Jaffrey	Kretowicz of Keene
Jones of Freemont	

The Clerk read the following notice:

County Conventions

RSA 24:1 — 24:2 — 24:3

The county convention shall consist of representatives of the towns of the county, and one member from each town which shall not then have a representative. They shall meet on the second Wednesday of each biennial session of the General Court, or some day in the same week, choose a chairman, clerk and an executive committee. The chairman and the clerk of the convention shall be members of the executive committee, ex officio.

Mr. McMeekin of Haverhill explained the mileage bill as passed by the 1957 session.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

On motion of Mrs. Frizzell of Charlestown the House adjourned at 11:52 o'clock.

WEDNESDAY, JANUARY 14, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal Spirit, we pray that we may have the grace, amid the pressures and callousness of daily living, to think and act in a manner true to the highest values of our lives. May this spirit be in the hearts and minds of all who are assembled here this day as they engage in their work of public service. Amen.

Mrs. Ayer of Pittsfield led the Convention in the salute to the flag.

House

Leaves of Absence

Mr. Mannion of Concord was granted an indefinite leave of absence on account of illness.

Petitions from Members

The Clerk read the following communication.

9 Capitol Street
Concord, New Hampshire
January 7, 1959

Honorable Stewart Lamprey
Speaker of the House of Representatives
State House
Concord, New Hampshire

DEAR MR. LAMPREY:

I find that the demands of my practice as an attorney with the firm of Sulloway, Hollis, Godfrey & Soden in Concord will make it impossible for me to serve as a member of the House of Representatives during the 1959 Session of the General Court.

I, therefore, regretfully tender my resignation as a member of the House of Representatives representing Ward 4 of Concord. I ask that my resignation be accepted so that the voters of Ward 4 may have the opportunity of having full representation in the General Court.

I furthermore request that I be granted leave of absence from my duties as a representative on account of the demands

of my business until such time as my resignation may be accepted.

Very truly yours,

GUY A. SWENSON, JR.
Concord, Ward 4

The petition was referred to the committee on Elections.

Introduction of Bills

The following bill was introduced, read a first and second time, laid upon the table for printing and referred as follows:

By Mr. Gilman of Farmington, House Bill No. 53, An Act providing for the assessment and collections of a special head tax for state purposes. To the Committee on Ways and Means.

Qualified

The following named members, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took their seats as members of the House: Messrs. Guy M. Wiggin of Dover, Ralph Boisvert of Nashua and George Draper of Wilton.

Committee Reports

Mr. Bigelow of Warner, for the Committee on Assignment of Rooms, submitted the following report:

Agriculture—Room 306, State House

Appropriations—Room 318, State House

Aviation—Liquor Commission, Patriot Building

Banks—Room 301, State House

Claims—State Library

Education—Library, Education Commission, State House

Annex

Elections—Room 305, State House

Engrossed Bills—Secretary of State's office

Executive Departments and Administration—Room 305, State House

Fish and Game—State Library

Insurance—Room 208W, State House Annex

Interstate Cooperation—Secretary of State's office

Journal—Clerk's Desk

Judiciary—Room 304, State House

Labor—Room 100, State House

Liquor Laws—Liquor Commission, Patriot Building

Mileage—Sergeant-at-Arms Room, State House

Military and Veterans' Affairs—Room 100, State House

Municipal and County Government—Room 207, State

House Annex

Public Health—Room 208W, State House Annex

Public Welfare and State Institutions—Room Left Entrance, Armory

Public Works—Room 208W, State House Annex

Resources, Recreation and Development—Room 207, State

House Annex

Rules—Speaker's Office

Transportation—Room 100, State House

Ways and Means—Room 306, State House

Democratic Delegation—Room 100, State House

Mr. Bigelow of Warner spoke in favor of the report.

The report was accepted.

Mr. Maxham and Mrs. Bailey, for the Special Committee on Selection of a Chaplain, submitted the following report:

The Committee to select a chaplain for the House of Representatives for the ensuing two years met in Room 304, State House, at 10:00 A. M. Thursday, January 8, 1959. Chairman Paul Maxham presided. Members present: Messrs. Walter Kretowicz, Edwin W. Eastman, Oscar Prescott, Mrs. Rebecca Gagnon, Mrs. Dorothy Berry and Miss Elsie C. Bailey.

Rev. George Pennington, Pastor of White Memorial Universalist Church of Concord was the unanimous choice of the committee.

The report was accepted.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following joint resolution:

House Joint Resolution No. 1, Joint Resolution to authorize the purchase of seats for the House of Representatives.

Resolutions

Mr. Batchelder of Deerfield offered the following resolution:

Whereas it is important that the length of the session of the general court be reduced without affecting its efficiency and the inherent right of each member to state his case, and

Whereas many statements can be reduced to writing without affecting the merits of the case, and

Whereas publication of the member's case will eliminate the necessity of the general court using "in session time" to hear the statement,

Be it Resolved, that the rules of the House be amended by adding the following:

58. To allow any member to extend his remarks in the journal at any time providing the member understands that by so doing he surrenders his right to speak a first time on the bill.

59. The procedure for extending one's remarks shall be to submit the remarks to be extended to the Speaker in writing prior to the beginning of any session.

The resolution was laid upon the table and referred to the Committee on Rules.

Mrs. Neale of Hanover offered the following resolution:

Resolved, That the Speaker be authorized to appoint a committee of three to screen all literature and other publications which private organizations and others desire to have distributed to members in their seats.

On a *viva voce* vote the resolution was adopted.

The Chair appointed Mrs. Taylor of Whitefield and Messrs. Geisel and Kearns of Manchester to serve on the committee.

Mr. McMeekin and Mr. Larty of Haverhill offered the following resolution:

Whereas, Rita Collyer, Representative from Lisbon is ill in the hospital at Hanover, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our sympathy to our Fellow Member in her illness and extend our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Collyer a copy of these Resolutions.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Allen of Rindge offered the following resolution:

Whereas, Harry Sherwin, former Representative from Rindge, is ill at the Hillcrest Home in Rindge, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our sympathy to our former Fellow Member in his illness and extend our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to former Representative Sherwin a copy of these Resolutions.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Comi of Concord offered the following resolution:

Whereas, George H. Corbett, former Representative from Concord, is ill at home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our sympathy to our former Fellow Member in his illness and extend our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to former Representative Corbett a copy of these Resolutions.

On a *viva voce* vote the resolution was unanimously adopted.

Committee Changes

The Speaker announced the following committee changes:

Farwell of Brookline to Committee on Agriculture.

Kelly of Littleton from Committee on Aviation to Committee on Fish and Game.

Gilman of Farmington from Municipal and County Government to Aviation.

Lang of Manchester from Aviation to Banks.

Karagianis of Laconia from Executive Departments and Administration to Aviation.

Desilets of Berlin to Aviation.

Dussault of Berlin from Fish and Game to Aviation.

Pillsbury of Manchester from Judiciary to Education.

Bevan of Durham from Education to Ways and Means.

Haley of Keene from Ways and Means to Judiciary.

Palmer of Plaistow from Public Health to Executive Departments and Administration.

Spollett of Hampstead from Public Health to Municipal and County Government.

McIsaac of Laconia, Vice-Chairman of Insurance.

Chase of Concord replacing Palmer of Plaistow on Engrossed Bills.

Burrows of Claremont from Agriculture to Public Health.

Bigelow of Warner from Insurance to Public Health.

Poore of Goffstown from Liquor Laws to Public Health.

Bouchard of Berlin from Public Health to Liquor Laws.

Pinkham of Northwood from Banks.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

On motion of Mr. Haley of Keene the House adjourned at 11:24 o'clock.

THURSDAY, JANUARY 15, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Father of all men, place in the minds of our Governor and his Council, and in the minds of the members of the House and Senate, the spirit of Creative Living. Grant them the courage and vision to depart from what customarily may be approved, in order to explore new means of accomplishment on behalf of the citizens of our State. May their satisfaction be their earnest striving in Thy service. Amen.

Mr. Hart of Laconia led the Convention in the salute to the flag.

House

Leaves of Absence

Mr. Merrill of Exeter was granted leave of absence for the day on account of illness.

Introduction of Bills

The following House bills and House Joint Resolution were severally introduced, read a first and second time, laid upon the table for printing and referred as follows:

By Mr. Plumer of Bristol, House Bill No. 54, An Act relative to the repeal of the school per capita tax. To the Committee on Education.

By Mr. Coutermarsh of Lebanon, Miss Whipple of Lebanon and Mr. Monahan of Hanover, House Bill No. 55, An Act relative to expenditure of funds for airport construction. To the Committee on Aviation.

By Mrs. Davis of Concord, Ward 2, House Bill No. 56, An Act relative to witness fees in criminal cases. To the Committee on Judiciary.

By Mr. Converse of Pittsburg, House Bill No. 57, An Act relating to payments to Pittsburg and Clarksville in lieu of taxes. To the Committee on Appropriations.

By Mr. Bradbury of Claremont, House Bill No. 58, An Act providing that certain minor children wear life jackets in boats. To the Committee on Resources, Recreation and Development.

By Mr. Diffenderfer of Ossipee, House Bill No. 59, An Act relative to the sale of bottled alcoholic beverages. To the Committee on Liquor.

By Mr. Maloomian of Somersworth, House Bill No. 60, An Act relative to lobbyists. To the Committee on Executive Departments and Administration.

By Mr. Maloomian of Somersworth, House Bill No. 61, An Act providing limitations on rate of interest on loans of over three hundred dollars. To the Committee on Banks.

By Mr. MacIsaac of Laconia, House Bill No. 62, An Act providing for an assistant superintendent of schools for Laconia. To the Committee on Education.

By Mr. Hambleton of Goffstown, House Bill No. 63, An Act to establish the Grasmere Village District. To the Committee on Municipal and County Government.

By Mr. Newell of Concord, House Bill No. 64, An Act relative to the practice of professional engineering. To the Committee on Executive Departments and Administration.

By Mr. Gove of Concord, House Joint Resolution No. 10, Joint Resolution in favor of Concord. To the Concord Delegation.

Senate Message

The Senate message announced that the Senate has passed the following concurrent resolution in the passage of which it asks the concurrence of the House of Representatives.

Concurrent Resolution for the celebration of Lincoln's birthday.

Whereas February 12, 1959, is the 150th anniversary of the birth of Abraham Lincoln, and

Whereas it is fitting that this day be suitably commemorated even though it is not a legal holiday, and

Whereas the Abraham Lincoln Sesquicentennial Commission of New Hampshire has secured the services of Dr. Edwin P. Booth of Boston University School of Theology, a renowned Lincoln authority, as speaker for this day, and has offered to arrange for his appearance before the General Court, now therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the Senate and House of Representatives assemble in Joint Convention on Thursday, February 12, 1959 at 11:00 A. M. to hear an address by Dr. Edwin P. Booth on some appropriate phase of the life of Abraham Lincoln, and

That His Excellency the Governor and the Council be respectfully invited to attend the Joint Convention for this occasion.

Miss Loizeaux of Plymouth moved that the concurrent resolution be adopted.

On a *viva voce* vote the concurrent resolution was adopted.

Communications

The Clerk read the following communication.

January 14, 1959

Hon. Stewart Lamprey
Speaker of the House of Representatives
State House

DEAR SIR:

Under the provisions of Chap. 5:4, Laws of New Hamp-

shire 1958, a Special Commission of five members was appointed to make recommendations to the General Court by January 15, 1959, relative to the taxation of public utilities engaged in the manufacture, generation, distribution, transmission or sale of gas or electric energy.

The five-member commission was appointed as follows:

By the President of the Senate, Eralsey C. Ferguson:

Senator James C. Cleveland, New London

Senator Lucien E. Bergeron, Rochester

By the Speaker of the House, W. Douglas Scamman:

Representative Albert H. Brown, Strafford

Representative Florimond Duke, Hanover

Representative Ruth F. Miner, Meredith

A majority of your commission, consisting of Senators Cleveland and Bergeron, and Representatives Brown and Miner, recommend to the General Court that it enact legislation continuing the present franchise tax as enacted at the Special Session of the General Court in 1958, in RSA 83-A, Laws of New Hampshire, Chap. 5.

A minority of your commission, consisting of Representative Duke, recommends no new legislation to reenact the aforesaid utility tax.

In the near future we will submit to you a majority and minority report in substantiation of the foregoing recommendations.

JAMES C. CLEVELAND

Chairman

Utility Tax Study Commission

Resolutions

Mr. Deans of Milford offered the following resolution:

Resolved, That the Clerk be instructed to procure five billbinders for each member of the Committees on Appropriations, Executive Departments and Administration, Judiciary, and Ways and Means, and for each chairman and clerk of other committees.

On a *viva voce* vote the resolution was adopted.

Mr. McMeekin of Haverhill offered the following resolution:

Resolved, That the Clerk be and hereby is authorized to procure sets of the Revised Statutes Annotated with Supple-

ments to be distributed one set each to the following committees:

Appropriations, Judiciary, Executive Departments and Administration, and Ways and Means.

On a *viva voce* vote the resolution was adopted.

Mr. Aucella of Bennington offered the following resolutions:

Whereas, Colonel Edward C. Black, former Representative from Bennington, is ill at home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our sympathy to our former Fellow Member in his illness and extend our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to former Representative Black a copy of these resolutions.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Bushey of Northumberland offered the following resolutions:

Whereas, Ernest N. McConnell of Northumberland has passed away, and

Whereas, Mr. McConnell was a Representative from Northumberland in 1916, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. McConnell, a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

Announcements

The Chair announced that any members that wished to might make arrangements to have a Guest Chaplain at one of the sessions by contacting Mr. Maxham of Concord.

The Chair also announced that seat chart would be available for the members to see on next Tuesday morning at the Sergeant-at-Arms office.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following concurrent resolutions, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

Joint Rules

13. *Effective Date of Bills.* Except as hereinafter provided, each Senate and House bill, shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making appropriation of money for ordinary or capital expenses of state agencies or (5) bills affecting fees for licenses or certificates.

On motion of Mr. Pillsbury of Manchester the House concurred in the amendment sent down by the Honorable Senate.

County Organizations

Merrimack County

Henry of Concord, Chairman, Hanson of Bow, Vice-Chairman, Phelps of Andover, Clerk; Executive Committee, O'Neil of Concord, Sargent of Danbury, Charland of Franklin, Gilman of Franklin, Comi of Concord, Plourde of Pembroke, Mullaire of Hooksett, Bunten of Dunbarton, Davis of Concord, Lessells of Concord.

Coos County

Mrs. Brungot of Berlin, Chairman; Mr. Fortier of Berlin, Clerk; Mr. Swett of Lancaster, Vice-Chairman; Executive Committee, Mr. Swett of Lancaster, Chairman; Mr. Emerson of Dalton; Mr. Converse of Pittsburg; Mrs. Christiansen of Berlin; Mrs. Gagnon of Berlin; Mr. Stinson of Stratford; Mr. Sheridan of Berlin.

Belknap County

Mr. Varrell of Laconia, Chairman; Mrs. Atwood of Sanbornton, Clerk; Executive Committee, Mr. McAllister of Barnstead; Mr. Harkins of Laconia; Mr. Burbank of Laconia; Mr. Snow of Gilmanton; Mr. Rollins of Alton.

Cheshire County

Mr. McCullough of Keene, Chairman; Mr. Pickett of Keene, Vice-Chairman; Miss Faulkner of Keene, Clerk; Executive Committee, Mr. Haley of Keene; Mr. Congdon of Troy; Mr. Ballam of Walpole; Mr. Frost of Winchester; Mrs. Gordon of Jaffrey.

Carroll County

Mr. Chandler of Bartlett, Chairman, Mrs. Brown of Center Sandwich, Clerk; Executive Committee, Mr. Duchano of Wakefield, Chairman.

Strafford County

Mr. Dunnington of Dover, Chairman; Mr. Clement of Rochester, Vice-Chairman, Mrs. St. Pierre of Rochester, Clerk.

Committee Changes

Lang of Manchester from Banks to Aviation

Pinkham of Northwood to Banks.

Sawyer of Winchester from Transportation to Aviation.

Chamberlain of Wolfeboro from Aviation to Transportation.

Mr. Kelley of Littleton to Claims.

Boomhower of Franklin from Liquor Laws to Transportation.

Charland of Franklin from Transportation to Liquor Laws.

Hancock of Concord from Vice-Chairman of Municipal and County Government to Vice-Chairman of Labor.

Shepard of Londonderry from Vice-Chairman of Labor to Vice-Chairman of Municipal and County Government.

Sawyer of Winchester from Claims.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, and that when the House adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Mr. Lessells of Concord the House adjourned at 11:27 o'clock.

TUESDAY, JANUARY 20, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, grant our Governor, his Council and the members of our Granite State Legislature more zeal than caution, more vision than adherence to custom, and strengthen their courage that it may dominate any feelings of expediency. Consecrate each of us, we pray, to the spirit and practice of integrity. May our prayer be reflected in our words and works. Amen.

Mr. Stevenson of Bethlehem led the Convention in the salute to the flag.

House

Leaves of Absence

Mr. Edson of Lebanon was granted a leave of absence for the day on account of illness.

Mr. Saunders of Nashua was granted a leave of absence for the day on account of important business. Mr. Philbrick of Rye was granted an indefinite leave of absence on account of illness.

Introduction of Guests

The Chair introduced members of the New Hampshire Junior Achievement Association of Dover as guests of the Dover Delegation.

Communications

To the Hon. Stewart Lamprey

MR. SPEAKER:

May I ask you to thank Hon. Larty and Hon. McMeekin for their thoughtfulness and my deep appreciative thanks to the members of the House for the good wishes which helped me with cheer through a most trying week.

God bless you all,

Most Sincerely,

RITA COLLYER

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Willis of Salem, House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket River watershed. To the Committee on Resources, Recreation and Development.

By Mr. Urie of New Hampton, House Bill No. 66, An Act relative to water pollution classification. To the Committee on Resources, Recreation and Development.

By Mr. Hanson of Bow, House Bill No. 67, An Act relative to open season for taking rabbit. To the Committee on Fish and Game.

By Mr. Batchelder of Deerfield, House Bill No. 68, An Act limiting the approval of rates by the public utilities commission. To the Committee on Ways and Means.

By Mr. Davis of Cornish, House Bill No. 69, An Act legalizing the biennial election of 1958 in the town of Cornish. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 69.

Point of Order

Mr. Pillsbury of Manchester, on a point of order, expressed the opinion that certain bills were being introduced which did not conform to Rule No. 13 and requested the Clerk to read Rule No. 13 as passed which the Clerk proceeded to do.

The Chair announced that all future bills will be carefully checked before their introduction to insure their conformity with Rule No. 13.

Mr. Pillsbury of Manchester then withdrew his Point of Order.

By Mr. Wirkkala of Lempster, House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington. To the Committee on Public Works.

By Mr. Roberts of Conway, House Bill No. 71, An Act relative to veterans' burial expenses. To the Committee on Military and Veterans' Affairs.

By Mr. Pickett of Keene, House Bill No. 72, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures. To the Joint Committees on Judiciary and Aviation.

By Mr. Brown of Strafford, House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest. To the Committee on Agriculture.

By Mr. Clement of Landaff, House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration. To the Committee on Agriculture.

By Mr. Desnoyer of Claremont, House Bill No. 75, An Act relating to the police commission of the city of Claremont. To the Committee on Municipal and County Government.

By Mr. Baker of Stewartstown, House Bill No. 76, An Act relative to change in classification for Big Diamond Pond road. To the Committee on Public Works.

By Mr. Stevenson of Bethlehem, House Bill No. 77, An Act relative to curriculum to be taught in high schools. To the Committee on Education.

By Mr. Shepard of Londonderry, House Bill No. 78, An Act relative to terms of superior court for the county of Rockingham. To the Committee on Judiciary.

By Mr. Chamberlain of Holderness, House Bill No. 79, An Act authorizing Norman Smith to apply for Korean bonus. To the Committee on Military and Veterans' Affairs.

By Mr. Maloomian of Somersworth, House Bill No. 80, An Act relative to the salary of the justice of the Somersworth municipal court. To the Somersworth Delegation.

By Mrs. Prescott of Brentwood, House Bill No. 81, An Act relative to fees of clerks for recording conditional sales and chattel mortgages. To the Committee on Municipal and County Government.

By Mr. Miskelly of Keene, House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds. To the Committee on Ways and Means.

By Mr. Roberts of Conway, House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees. To the Committee on Executive Departments and Administration.

By Mr. Gilman of Franklin, House Bill No. 84, An Act relating to the city assessor of Franklin. To the Franklin Delegation.

By Mr. Fortier of Berlin, House Bill No. 85, An Act relative to a vacancy in the office of mayor of the city of Berlin. To the Berlin Delegation.

By Mr. Thompson of Franklin, House Bill No. 86, An Act providing for the election of county commissioners for the county districts of Merrimack County. To the Committee on Municipal and County Government.

By Mr. Nickerson of Goffstown, House Bill No. 87, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission. To the Committee on Ways and Means.

Committee Reports

Mrs. Delude of Unity for the Committee on Executive Departments and Administration to whom was referred House Bill No. 39, An Act relative to major natural disasters, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mrs. Dondero of Portsmouth for the Committee on Judiciary to whom was referred House Bill No. 33, An Act relative to dogs, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Deans of Milford for the Committee on Municipal and County Government to whom was referred House Bill No. 20, An Act relative to incompatibility of office of selectman and member of the school board, having considered the same, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Deans of Milford for the Committee on Municipal and County Government to whom was referred House Bill No. 32, An Act legalizing the biennial election of 1958 in the town of Mont Vernon, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Plourde of Pembroke for the Committee on Public Works, to whom was referred House Joint Resolution No. 5, Joint Resolution providing for the repair and reconditioning of the Meshech Weare Monument at Hampton Falls, having considered the same, report the same with the recommendation that the Joint Resolution ought to pass.

The report was accepted and the Joint Resolution referred to the Committee on Appropriations under the rules.

Report of the Committee on Engrossed Bills

Mrs. Chase of Concord, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House Joint Resolution:

House Joint Resolution No. 1, Joint Resolution to authorize the purchase of seats for the house of representatives.

The report was accepted.

Resolutions

Mr. Gilman of Farmington offered the following resolution:

Resolved, That the House extend an invitation to His Excellency, Governor Wesley Powell, to address the House on Wednesday, January 21, as soon after convening as possible and deliver any message he deems advisable.

On a *viva voce* vote the resolution was adopted.

Mr. Gilman of Farmington offered the following concurrent resolution:

Concurrent resolution inviting Governor Wesley Powell to address the General Court:

Be it Resolved by the House of Representatives, the Senate concurring,

That the House and Senate meet in joint convention on Wednesday, January 21, for the purpose of hearing any mes-

sage which His Excellency, Governor Wesley Powell, deems advisable at this time.

The Concurrent Resolution was adopted and sent to the Senate for concurrence.

Mr. Rollins of Alton offered the following resolutions:

Whereas, George F. Clement of Landaff was elected President of the New England Grange Leaders Conference at the session held at Providence, Rhode Island, and

Whereas, Mr. Clement is a member of this House from the town of Landaff, therefore be it

Resolved, That we, the members of the House of Representatives hereby extend our heartiest congratulations to Mr. Clement upon the honor bestowed on him.

On a rising vote the resolutions were unanimously adopted.

Mr. Hanson of Bow offered the following resolutions:

Whereas, Wilbur H. Vaughn of Bow has passed away, and

Whereas, Mr. Vaughn was a former Representative from Bow, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our appreciation of his services to his Town and State, and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Vaughn, a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Green of Manchester, Mrs. Ainley of Manchester and Messrs. Pettigrew and Lang of Manchester offered the following resolutions:

Whereas, we have learned of the death of Mrs. Hattie Fillmore Packard of Manchester, and

Whereas, Mrs. Packard was the mother of Norman A. Packard, who is President of the Senate, therefore be it

Resolved, That we, the members of the House of Representatives do hereby extend our sincere sympathy to Mr. Packard, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Packard.

On a rising vote the resolutions were unanimously adopted.

Mr. Stevenson of Bethlehem offered the following resolutions:

Whereas, Nina E. Peabody, a former Representative from Franconia, is ill at home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court, express our sympathy to our former fellow member in her illness and extend our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to former Representative Peabody a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Remarks

Mr. Comi of Concord extended an invitation to the members of the House to make use of the Concord Public Library during the session.

Qualified

Mr. Spollett of Chester, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House.

The Chair introduced Mr. Spollett to the House.

The Chair announced that the two day rule on Committee Reports would be in effect this session unless otherwise ordered by the House.

The Chair extended birthday greetings to Mr. Nickerson of Tamworth.

Committee Change

Mr. Colbath of Dover from Transportation to Public Works and Mr. Calcutt of Dover from Public Works to Transportation.

County Organizations

Rockingham County

Mr. Hunter of Hampton, Chairman; Mrs. Dondero of Portsmouth, Vice-Chairman; Mrs. Palmer of Plaistow, Clerk; Mr. Eastman of Exeter, Chairman of the Executive Committee.

Hillsborough County

Mr. Kearns of Manchester, Chairman; Mr. Pettigrew of Manchester, Clerk; Executive Committee Mrs. Cooper of Nashua, Mr. Sablusi of Nashua; Mr. Latour of Nashua; Mrs. Cole of Nashua; Mr. Griffin of Nashua; Mr. Green of Manchester; Mr. Pillsbury of Manchester; Mr. Casey of Manchester; Mr. Dion of Manchester; Mr. Gauthier of Manchester; Mr. Betley of Manchester; Mr. Deans of Milford; Mr. Taft of Greenville; Mr. Eastman of Weare.

Strafford County

Mr. Dunnington of Dover, Chairman; Mr. Clement of Rochester, Vice-Chairman; Mrs. St. Pierre of Rochester, Clerk; Executive Committee; Mr. Wiggin of Dover; Mrs. Blanchette of Dover; Mr. Maxfield of Rochester; Mr. Cormier of Somersworth; Mr. Littlehale of Durham; Mr. Gilman of Farmington and Mr. Brown of Strafford, Chairman and Clerk ex-officio.

Grafton County

Mr. McMeekin of Haverhill, Chairman, Miss Whipple of Lebanon, Vice-Chairman; Miss Loizeaux of Plymouth, Clerk; Executive Committee, Mrs. Hayward of Hanover, Mr. Armstrong of Littleton, Mr. McGee of Lincoln, Mr. Larty of Haverhill and Mr. Haskins of Lyme.

General Committee of Counties

General Chairman, Mrs. Brungot of Berlin; General Vice-Chairman, Mr. Dunnington of Dover; General Clerk, Mr. Pettigrew of Manchester.

On motion of Mr. Pickett of Keene, the rules were so far suspended as to allow business in order at 3:00 o'clock to be in order at the present time, that third readings of bills be by title only, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 33, An Act relating to dogs.

House Bill No. 32, An Act legalizing the biennial election of 1958 in the town of Mont Vernon.

On motion of Mrs. Brown of Sandwich the House adjourned at 11:48 o'clock.

WEDNESDAY, JANUARY 21, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Give us the grace, O Lord, in a land of plenty to employ the tangible gifts of life wisely. May we have a sense of care in the use of our resources, preserving frugality and exercising generosity where it is needed.

Grant that our public servants may abide in this consciousness of the trust that is theirs, but grant also, O God, that the people of our State shall desire the wise husbandry of life's benefits. Amen.

Mr. Chandler of Bartlett led the Convention in the salute to the flag.

Budget Message

The House and Senate being in Joint Convention, His Excellency, the Governor, Wesley Powell delivered his budget message to the General Court as follows:

Mr. Speaker, Mr. President, Members of the General Court:

I must observe that it is much warmer in here than on the plaza.

Incidentally, my thanks to you for your gracious cooperation in connection with the outdoor inaugural ceremonies. You were most kind.

As we meet together this morning, I want to express the deep respect I feel for our form of government, especially its separation of powers. I am aware of and intend to abide by the constitutional restrictions upon the high office it is my honor to hold.

It is my duty to recommend, and your duty to legislate. In the performance of duty we have the further pleasant task of trying to find a common ground from which we can assure the people that good judgment is being exercised in their behalf. Although our work together is difficult, I am happy in it as I am sure you are.

As stated in the inaugural address, New Hampshire is solvent. As further stated then, I consider it to be my first duty to help keep it so.

It is my first recommendation that new base taxes are not necessary and should not be enacted. It is my conclusion that such taxation would be poor economic policy for our state and would impose a burden which most of our people simply could not carry.

With equal emphasis, I recommend that we avoid every action which could plunge us into deficit financing.

My mission today is to relate the facts as I have found them to be and request your early consideration of them.

In my search for the facts, I have been ably assisted by your own members of the budget committee, Representatives Kenneth Bell of Plymouth and Forrest Hodgdon of Tuftonboro; your Legislative Budget Assistant, Remick Loughton, Mrs. Mary Parsons, Clerk of the Senate Finance Committee; Comptroller Leonard Hill and his staff, particularly Walter Mead and Jack Flanders; and by department and institution heads. I am grateful to them all.

Here is the situation as we have found it:

1. It can be reasonably anticipated that as of June 30, this year, the end of the present biennium, the state will have in unappropriated or surplus funds, approximately \$2,400,663.00 made up as follows:

a. Net General Fund revenue increases \$859,663.

b. General fund lapses \$500,000, if present estimates hold true.

c. Lapses from funds reserved for forty hour - five day week \$91,000.00.

d. From harness racing revenue during the present biennium \$950,000.00, providing the legislature transfers the same from the sinking fund to general funds as is my recommendation.

2. It is my recommendation that additional funds be made available for the next biennium by the following steps:

a. Legislative action to amortize over a period of twenty years payment made by the state to utilities as a refund for the earlier franchise tax declared unconstitutional by the Supreme Court. If you act favorably upon this recommendation, the general fund would acquire a net sum of \$1,140,905.

for use in the next biennium (the average per year amortization cost of the bond issue would be about \$78,000).

b. Legislative action to increase registration and other fees to bring estimated additional revenue to the general fund in the amount of \$170,042.00.

These two items total \$1,310,947.00

3. Estimated increase in general fund revenues over and above the amount of revenue which is necessary to support the 1959 level of expenditures for a biennium is \$1,337,219.00. This estimate has been indicated in part by established revenue trends and, in part, by testimony given at the budget hearings.

The items covered in points 1, 2, and 3 would seem to represent a total of \$5,048,829.00 available for new general fund appropriations for the departments and institutions for the coming biennium.

So far, so good.

However, such is not the case.

At this point we must take into account the required increased general fund expenditures of the state government as a result of action taken by prior legislatures and executives. Considered also at this point must be certain unavoidable increased costs for the next biennium such as: postage, telephone, known increased rentals, food and clothing for anticipated increased institutional population. The categories covered in this paragraph are broken down as follows:

1. Increases as a result of prior action:

a. Forty hour — five day week plus annual pay increments \$1,500,000.00

b. Unavoidable inflationary costs \$300,000.00

c. Increased debt service, interest and operating costs related to legislative and executive action on prior capital budgets \$665,686.00

(NOTE: This does not include principal payments on the 1957 general fund capital budget of \$2,343,114.00 which principal payments must begin and be provided for in the 1962-63 biennium).

These three items total \$2,465,686.00 to be deducted from \$5,048,829.00, leaving a highly speculative possible general

fund surplus on June 30, 1961 of \$2,583,143.00 even if our state services remain at present levels.

There are factors to be underlined at this point. Among them are:

1. Special legislative appropriations which may go forward to final approval would have to be subtracted from this speculative two and one-half million dollars.

2. I am submitting the highest estimate of revenue from harness racing given to us by the Racing Commission, there being some friendly disagreement within the Commission as to what may be reasonably anticipated.

3. If all funds appropriated for the present biennium are spent, then the \$500,000.00 of general fund appropriation lapses must be crossed out.

4. This speculative two and one-half million dollars is dependent in part upon the legislature's willingness to increase certain fees.

5. The figure assumes the continuation of present taxes at no lower rates and with actual increased revenues from present taxes.

6. Appropriations for the legislative session of the House and the Senate and for other related legislative costs must also be subtracted from this speculative two and one-half million dollars.

Therefore, I come to my recommendation in the matter of overall fiscal policy for our state government.

It is my recommendation and request that for the coming biennium the legislature approve a base budget not in excess of the general fund expenditures for this fiscal year 1959 plus previously stated authorized and unavoidable increases.

This recommendation and request is submitted to you after weeks of intensive inquiry and study. I ask for your endorsement of this fiscal policy in what I am convinced is in the better interest of our state, pending the opportunity to take account of stock for the future.

You are entitled to know just how departmental and institutional increased budget requests have been reduced by the executive by \$8,711,124.00, or from \$53,167,847.00 to 44,456,-723.00. The reductions were made as follows:

1. Eliminated all new positions except as they were

related to the 40-Hour, 5-Day week and those necessary to staff capital budget facilities approved up to and including the 1957 Legislative Session.

2. Reduced temporary or other personal services to the fiscal 1958-1959 level.

3. Reduced current expense to the fiscal 1958-1959 level, excepting postage, telephone, known increased rentals, food and clothing for known increased institutional populations, and similar known increases.

4. Reduced physical plant maintenance needs of the six state institutions, the two Teachers' Colleges and the two Technical Institutes to the 1959 level.

5. Reduced travel appropriations to the 1958-1959 level, and eliminated all travel related to the deleted new positions.

6. Eliminated all requests for new equipment, allowing only those requests that were clearly identified as replacements.

7. Eliminated all other budget expenditure requests related to new positions.

8. Reduced requests made under Other Expenditures to the fiscal 1958-1959 level except as increased funds were required by law.

9. Reduced net appropriations by increased Restricted Revenue as discussed in the budget hearings and as allowed by law.

In other words, no state service, program or function has been cut below present levels. Salaries have not been decreased and, at this point, no existing positions have been abolished. The latter area is still under study.

Acceptance by the legislature of my recommendation for this base budget would mean that at the end of the present calendar year I will again carefully review the fiscal position of the state. At that time I shall be in a position to judge better whether estimated increased revenues are holding true. Also at that time, if the overall fiscal position makes the step feasible, I shall convene the legislature in special session for the purpose of acting upon a supplemental appropriations bill to increase certain essential services and programs.

Meanwhile, during your present session, I shall be recommending legislative action such as the following:

1. Specific recommendations regarding upward revision of fees.

2. Specific recommendations for reorganization of vital areas of our state government to end, in part, duplication and overlapping of services. The plans I have in mind would not only increase state government efficiency but would justify certain necessary increased expenditures which appear not to be justified now through present channels.

In other words, it is not the spending of dollars which would claim our interest. It is the good that can come to our state and people from dollars more wisely and more efficiently spent.

3. Specific recommendations for revision of rates of certain existing taxes in areas which would not create an undue burden upon the citizens.

At this point I come to the presentation of the capital budget. This is done now because we in government and responsible for its leadership must recognize the close relationship between capital budget and general fund budget. We must recognize the ultimate effect of the capital budget of this legislature upon the general fund budgets of legislatures to come. I would ask that you recall here that the demands upon the general fund in the next biennium are increased by \$665,686.00 as a result of prior capital budgets. You recall this will be increased by another \$120,000.00 in the 1962-63 biennium.

It has been my duty to consider general fund capital budget requests estimated at \$3,649,957.00. In addition, self-amortizing capital budget requests totaled \$1,189,000.00.

It has been my further duty to consider these requests in relation to their future demands upon the general fund and the uncertain capacity of the general fund. What did I find? I found that these requests would mean an additional \$235,000.00 appropriation out of general funds for amortization in the years ahead, plus hundreds of thousands of dollars to operate the projects.

Therefore, to better protect the general fund until we know its capacity is improved, it was necessary to reduce these requests. My yardstick was the need for projects to provide for the safety and health of residents of our state institutions, employees and citizens. The cost of the projects to be amortized and supported from the general fund and which I recommend

totals \$253,300.00 based upon the departmental estimates as submitted to the executive. The approved projects will be assigned to the Public Works Division for final firm dollar estimates which will become the basis of my capital budget for submission to the legislature. This is a reduction of \$3,396,657.00. There are no increased operating costs to be attached to these recommended projects.

My only recommended self-amortizing capital budget project is in the amount of \$73,500.00 and should contribute substantially to the revenue of the agency.

I am leaving with the Joint Convention today the recommended budgets of ten state agencies. All other recommended budgets — including the recommended capital budgets — will be submitted as they are obtained from the printer. Some of the remainder will come to you in advance form like these presented today. I am following this procedure by way of co-operating with your leadership in expediting the business of the session.

However, I do most respectfully request your early indication as to whether you join with me in establishing as the State's policy the base budget which I am recommending.

This is, to be sure, a change in ordinary procedure. Furthermore, my recommendation to you to hold the line is against the trend among the states. That does not make it wrong, however. New Hampshire has pioneered before. It is my judgment it should do so now.

Over and over again I have advocated increased investment in services and programs which represent sound investment in a better future for New Hampshire. However, that advocacy has consistently and clearly been irrevocably tied to the pledge to increase state government costs only within the true means of the treasury and without resort to either deficit financing or new broad base taxes.

If you adopt this fiscal program and our financial condition warrants a special session later on, I will not hesitate to recommend the appropriation of increased available dollars to expand wise expenditures. I believe you are familiar with the fact that I am not a believer in big surpluses. On the other hand, I am firmly opposed to appropriating beyond known dollars simply in the hope they will be forthcoming. Furthermore, it makes sense to me to provide increases when the

amount makes constructive sense and when we know the increases can be on a sustained basis.

Whenever reasonable citizens gather today, downright concern is expressed over the inflationary spiral in which the cost of government and the cost of living have been caught. From our Nation's capital and the State Houses of forty-nine jurisdictions, sharp warnings are issued but action is seldom taken.

In the days of four-masted schooners the first commands of a captain sighting an approaching storm were to batten down the hatches, plug the leaks and man the pumps. No responsible skipper would give an order to put up more canvas before the storm had passed.

Yes, we are sometimes told that here in New Hampshire we are backward and second-rate. The truth remains, however, we are paying our bills. If you please we are in a forward looking position — steadily and surely building for the future although not moving as speedily as we are asked to move by those who would spend excessively now and force overburdening taxes upon the people later.

From our position of solvency and balanced budgets we can look out at sister states floundering on the reefs of poor fiscal planning, deficit financing and punitive taxes. We witness state governments so far in the red and so void of dollars that their state universities are not receiving their appropriated allocation of funds. We witness one state so deeply in debt that the people in its northern sector want to separate themselves from the people of the south to make two states of one and incidentally to get twice the federal aid, thus increasing the federal debt and making the position of all the states even less secure.

Thus my recommendation and request add up to the suggestion that New Hampshire point the way to continued solvency, balanced budgets, taxation within the means of the people, and if you please, ladies and gentlemen of the General Court, to a more certain survival of free enterprise, free institutions, and free government itself.

House

Leaves of Absence

Mr. Burbank of Laconia was granted leave of absence for today on account of sickness.

Mr. Pillsbury of Manchester was granted leave of absence for today and Thursday on account of important business.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following Concurrent Resolution sent up from the House of Representatives.

Concurrent Resolution inviting Governor Wesley Powell to address the General Court.

Be it Resolved by the House of Representatives, the Senate concurring,

That the House and Senate meet in joint convention on Wednesday, January 21, for the purpose of hearing any message which His Excellency, Governor Wesley Powell, deems advisable at this time.

Resolutions

Mr. Gilman of Farmington offered the following concurrent resolution:

Whereas, his Excellency the Governor in his budget message of this day has recommended and requested that the General Court approve a base budget for each year of the next biennium not in excess of the general fund expenditures for the fiscal year 1959 plus previously authorized and unavoidable increases; and

Whereas, his Excellency has requested an early indication as to whether or not this General Court joins him in adopting this base budget policy; now therefore be it

Resolved, That the General Court of the State of New Hampshire, believing that the adoption of such a base budget policy is in the best interest of the State, hereby adopts said policy and instructs its several committees accordingly.

The Clerk read the concurrent resolution.

Mr. Gilman of Farmington moved that the above concurrent resolution be laid upon the table and made a Special Order for Tuesday, January 27, 1959 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Vachon of Manchester offered the following resolution:

Whereas, the State Department of the United States is in favor of the showing of Soviet made films in the commercial motion picture theatres of America, and

Whereas, said showing is clever, subtle Red Russian propaganda, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, go on record as denouncing said showing of Soviet made films, and be it further

Resolved, That copies of these resolutions be transmitted to our Representatives in the Congress of the United States, Congressmen Merrow and Bass and Senator Bridges and Cotton.

The Resolutions were laid upon the table and referred to the Committee on Executive Departments and Administration.

Mr. Twardus of Newmarket offered the following concurrent resolution:

Memorializing Congress relative to adequate pensions for all veterans of World War I.

Whereas the national policy of the United States has been and is to honor the veterans of the wars of the United States by granting assistance to them in their declining years, either by pension or otherwise; all in consideration of their military services in defense of our country; and

Whereas the veterans of World War I of the United States have attained an age of approximately sixty-three years; and

Whereas there has been no general pension granted to veterans of that war by the United States; and

Whereas the United States has been and is aiding many foreign countries in restoring their economy; and

Whereas such aid has been and is being extended not only to our former co-belligerents but also to nations with which we formerly were at war; and

Whereas a grateful nation's reward to its defenders who followed the colors was a mere pittance of pay, now therefore be it

Resolved, That the General Court of the State of New Hampshire memorializes the Congress of the United States to take action to provide adequate pensions for all veterans of World War I, be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the New Hampshire delegation in Congress.

The concurrent resolution was laid upon the table and referred to the Committee on Military and Veterans' Affairs.

Mr. Lessels of Concord offered the following concurrent resolutions:

Relative to construction of a dam at Livermore Falls on the Pemigewasset River.

Whereas, the State of New Hampshire and the Commonwealth of Massachusetts have entered into an interstate compact relative to flood control of the Merrimack River; and

Whereas, the principal purposes of the said compact are: (a) to promote interstate comity among and between the signatory states; (b) to provide adequate storage capacity for impounding the waters of the Merrimack River and its tributaries for the protection of life and property from floods; (c) to provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively cooperate in accomplishing the object of flood control and water resources utilization in the basin of the Merrimack River and its tributaries: and

Whereas, the Congress has at various times authorized construction by the United States of other dams and reservoirs for the storage of flood waters in the Commonwealth of Massachusetts and in the state of New Hampshire and has more recently instructed the corps of engineers to determine what additional local protection works and dams and reservoirs are required for a comprehensive system to control floods in the Merrimack River and its tributaries; and

Whereas, the corps of engineers and the public works committee of the United States Senate have recommended construction of a dam at Livermore Falls on the Pemigewasset

River being located in the town of Campton, New Hampshire, as a part of such comprehensive system to control floods in the Merrimack River and its tributaries; therefore be it

Resolved, That the General Court of the State of New Hampshire memorializes the Congress of the United States and the appropriate officials of the administration in Washington to take whatever steps may be necessary and proper to effect the construction of a dam at the aforesaid site in accordance with the recommendations and specifications of the United States Army Corps of Engineers.

The above concurrent resolutions were laid upon the table and referred to the Committee on Resources, Recreation and Development.

Mr. Bushey of Northumberland offered the following resolution:

Whereas, an error was made in the report of the official returns of the biennial election from the town of Northumberland to the office of the Secretary of State, therefore be it

Resolved, That the attention of the members of this House of Representatives is respectfully called to the returns from the town of Northumberland as printed on page 438 of the New Hampshire Manual (so-called Red Book) for the returns of Boutin for Governor which should read 579 instead of 524.

On a *viva voce* vote the resolution was adopted.

Mr. King of Manchester offered the following resolution:

Resolved, That the Democratic Party discounts all responsibility and abandons any claims to the Honorable Herbert Hoover, former President of the United States, as a Democratic President, as erroneously set forth on page 69 of the New Hampshire Manual for the General Court, No. 36, 1959.

(discussion ensued)

On motion of Mr. Green of Manchester the resolution was laid upon the table and referred to the Committee on Fish and Game.

Announcement

The Speaker announced the appointment of the following attaches:

Stenographer for Appropriations Committee — Eleanor C. Brown of Charlestown.

Stenographer for Judiciary Committee — Helen Y. Andrews of Tilton.

Messenger for Appropriations Committee — William Palfrey of Portsmouth.

Messenger for Judiciary Committee — Carl S. Adams of Lebanon.

Speaker's Page — Chris Boches of Concord replaces Albert Ayotte of Franklin who resigned.

Rockingham County Delegation

Chairman — Douglas Hunter, Hampton.

Vice-Chairman — Mary Dondero, Portsmouth.

Clerk — Mildred L. Palmer, Plaistow.

Executive Committee

Chairman — Edwin Eastman, Exeter

Margaret Griffin, Auburn; George Carter, North Hampton; Charles Gay, Derry; Edmond Blair, Epping; Frank Robinson, South Hampton; Ralph Sanborn, Hampton Falls; Doris Spollett, Hampstead; Howard S. Willis, Salem.

On motion of Mr. Deans of Milford the order whereby House Bill No. 75, An Act relating to the police commission of the city of Claremont, was referred to the Committee on Municipal and County Government was vacated and the bill was referred to the Special Committee consisting of the members from the city of Claremont.

On motion of Mr. Pickett of Keene, the rules were so far suspended as to allow business in order at 3:00 o'clock to be in order at the present time, and when the House adjourns to-day it be to meet tomorrow morning at 11:00 o'clock.

On motion of Mrs. Griffin of Auburn the House adjourned at 12:01 o'clock.

THURSDAY, JANUARY 22, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

We would take a moment, O God, to recognize our finiteness and our dependence on Thee. As we go about our daily affairs we sometimes forget that we live not to ourselves, but are part of a process which began before us and will continue after us.

Help us, Thou Quickener of hearts, to share constructively in the human venture by being men and women who translate into living deeds the religious values of love and honest labor. Amen.

Mr. Maxham of Concord led the Convention in the salute to the flag.

House

Leaves of Absence

Messrs. Peever of Salem and Rollins of Alton were granted leaves of absence for the day on account of important business. Mrs. Gowing of Dublin and Mr. Chamberlain of Holderness were granted leaves of absence for the day on account of illness.

Introduction of Bills

The following bills and House Joint Resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Terry of Westermoreland, House Bill No. 88, An act relative to audits of county accounts by the tax commission. To the Committee on Municipal and County Government.

By Mr. Bradbury of Claremont, House Bill No. 89, An Act relating to operation of boats while under the influence of liquor. To the Committee on Executive Departments and Administration.

By Mr. Bradbury of Claremont, House Bill No. 90, An act relating to the suspension of boat registrations. To the Committee on Executive Departments and Administration.

By Mr. Bradbury of Claremont, House Bill No. 91, An Act relating to violation of boating laws by juveniles. To the Committee on Executive Departments and Administration.

By Mr. Eastman of Weare, House Bill No. 92, An Act providing assistance to certain towns for the relocation of town roads affected by the construction of the Hopkinton-Everett Flood Control Project. To the Committee on Public Works.

By Mr. Rollins of Alton, House Bill No. 93, An Act increasing certain resident fishing and hunting license fees. To the Committee on Fish and Game.

By Mrs. Ayer and Mr. McGrath of Pittsfield, House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond Brook. To the Committee on Resources, Recreation and Development.

By Mr. Laflamme of Concord, House Bill No. 95, An Act relative to long service benefits for state employees and officials. To the Committee on Executive Departments and Administration.

By Mr. Bragdon of Amherst, House Bill No. 96, An Act appropriating funds for the state soil conservation program. To the Committee on Appropriations.

By Mr. Pillsbury of Manchester, House Bill No. 97, An Act relative to grants to regional development associations. To the Committee on Appropriations.

By Mr. Reid of Milton, House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 98.

The Clerk read House Bill No. 98 in full.

By Mrs. Brungot of Berlin, House Bill No. 99, An Act relative to porcupines. To the Committee on Fish and Game.

By Mr. Griffin of Nashua, House Bill No. 100, An Act relating to a bridge or bridges across the Merrimack River in the vicinity of Nashua. To the Committee on Public Works.

By Mr. Angus of Claremont, House Bill No. 101, An Act relative to appeals from assessment of damages for highway layout. To the Committee on Judiciary.

By Messrs. Willey of Campton, McGee of Lincoln, Bradley of Thornton, Stevenson of Bethlehem, Geisel of Manchester, Swett of Lancaster, Mrs. Ayre of Laconia, Messrs. Karagianis of Laconia, and Pickett of Keene, House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch. To the Committee on Public Works.

By Mr. Legallee of Litchfield, House Bill No. 103, An Act relating to overtaking and passing school busses, To the Committee on Transportation.

By Mr. McGee of Lincoln, House Bill No. 104, An Act relative to maximum length of motor vehicles. To the Committee on Transportation.

By Mr. Varney of Rochester, House Bill No. 105, An Act relative to group life insurance limits — model definition. To the Committee on Insurance.

By Mr. Comi of Concord, House Bill No. 106, An Act relating to discharge or removal from office of county employees. To the Committee on Municipal and County Government.

By Mr. Bell of Plymouth, House Joint Resolution No. 11, Joint Resolution in favor of Leonard Hadley. To the Committee on Executive Departments and Administration.

Committee Reports

Mr. Green of Manchester for the committee on Judiciary to whom was referred House Bill No. 13, An Act relative to giving security in court proceedings, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 4, Entitled: An Act providing for competitive bidding on county sales of personal property.

Senate Bills Read and Referred

The following Senate bill was read a first and second time, laid upon the table and referred as follows:

Senate Bill No. 4, An Act providing for competitive bidding on county sales of personal property, to the Committee on Executive Departments and Administration.

Qualified

Mr. Philbrick of Rye, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House.

Communications

Hon. Stewart Lamprey
Speaker of the House of Representatives
Concord, New Hampshire

DEAR MR. SPEAKER:

Please be advised we have a complete new set of legislature number plates which will expire March 31, 1959.

I am informed many members presently hold current plates that do not correspond with their seat assignment. If so we will be pleased to exchange for a properly numbered set.

New members with no exchange plates would be required to pay the fee of fifty cents, (50c).

Very truly yours,

FREDERICK N. CLARKE,
Commissioner of Motor Vehicles.

Announcements

The Speaker announced that from now on during the session the Calendar on Wednesdays will be kept at a minimum so that hearings before committees on that day may be, for the most part, uninterrupted.

Mr. Pickett of Keene explained how to use the microphones to new members of the House.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to allow business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Committee Change

Mr. Armstrong of Littleton from Transportation Committee to Liquor Laws.

Mr. Draper of Wilton from Liquor Laws to Transportation Committee.

Third Reading

The following bill was read a third time, passed and sent to the Senate for concurrence:

House Bill No. 13, An Act relative to giving security in court proceedings.

On motion of Mrs. Davis of Woodstock the House adjourned at 11:29 o'clock.

THURSDAY, JANUARY 22, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain President Carlton A. Stringer, branch president of the Portsmouth Branch of The Church of Jesus Christ of Latter-Day Saints.

Eternal God our Heavenly Father; We come before Thee this morning in a humble attitude, with humble hearts ever mindful of our weaknesses and shortcomings, to ask Thee to bless this assembly this day.

May we ever praise Thee, the power that has made and preserved us a nation.

O Lord help us each and everyone to do our very best to labor in righteousness to preserve the freedom which those divinely inspired Men, the signers of the declaration of independence hath given us.

We humbly ask Thee to make us strong in our determination to be faithful to the trust and confidence of those responsible for us being here.

And now, we can behold the decrees of God concerning this land, that it is a land of promise; and whatsoever nation shall possess it shall serve God, or they shall be swept off when the fullness of His wrath shall come upon them.

And the fullness of His wrath cometh upon them when they are ripened in iniquity.

For behold this is a land which is choice above all other lands; wherefore he that doth possess it shall serve God or shall be swept off; for it is the everlasting decree of God. And it is not until the fullness of iniquity among the children of the land, that they are swept off.

Bless the president of these United States and all the righteous leaders of this our nation.

Bless the governor of this beautiful State of New Hampshire, his aids and all those who serve the people of this State in righteousness.

Bless the industries of this State, the forests, lakes, streams, the soil and above all and within that they may be used to Thy glory and in righteousness.

We thank Thee for all Thy blessings, we pray for all of these blessings, and for all others we may be in need of, humbly, in the name of the Lord Jesus Christ. Amen.

Salute to the Flag

Mr. Hunter of Hampton led the Convention in the salute to the Flag.

House

Leaves of Absence

Mrs. Gowing of Dublin was granted a leave of absence for three weeks on account of illness in the family.

Mr. Hancock of Concord was granted leave of absence for two weeks on account of illness.

Mr. Maxham of Concord was granted leave of absence for the day on account of important business.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Hart of Manchester, House Bill No. 107, An Act relative to powers of the Manchester Finance Commission. To the Manchester Delegation.

By Mrs. Atwood of Sanbornton, House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of San-

bornton. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 108.

The Clerk read House Bill No. 108 in full.

By Mr. Rollins of Alton, House Bill No. 109, An Act relative to presence of minors in cocktail rooms. To the Committee on Liquor.

By Mr. Snow of Gilmanton, House Bill No. 110, An Act relative to town aid to veterans. To the Committee on Municipal and County Government.

By Mr. Snow of Gilmanton, House Bill No. 111, An Act relative to classification of a highway in the town of Gilmanton. To the Committee on Public Works.

By Mr. DeGrace of Manchester, House Bill No. 112, An Act relative to salaries of state employees. To the Committee on Executive Departments and Administration.

By Mr. Batchelder of Deerfield, House Bill No. 113, An Act activating the state guard in preparation for utilization in event of disaster or war and integrating it within the civil defense organization. To the Committee on Military and Veterans' Affairs.

By Mr. Cheney of Newton, House Bill No. 114, An Act relative to the definition of Fly under fishing laws. To the Committee on Fish and Game.

By Mr. Bushey of Northumberland, House Bill No. 115, An Act relative to reciprocal fishing rights in the Connecticut River. To the Committee on Fish and Game.

By Mr. Bisbee of Derry, House Bill No. 116, An Act relative to the misuse of deer coupons. To the Committee on Fish and Game.

By Mr. Desjardins of Dover, House Bill No. 117, An Act relative to sale of brook trout as food in retail food stores. To the Committee on Fish and Game.

By Mr. Brown of Newport, House Bill No. 118, An Act relative to the prohibited use of artificial lights in night hunting. To the Committee on Fish and Game.

By Mr. Hodgdon of Tuftonboro, House Bill No. 119, An Act relative to driving deer. To the Committee on Fish and Game.

By Mr. Kelley of Littleton, House Bill No. 120, An Act relative to prosecution of violation of fish and game laws by juveniles under the age of eighteen years. To the Committee on Judiciary.

By Mr. Brown of Newport, House Bill No. 121, An Act increasing certain penalties for violations of fish and game laws. To the Committee on Fish and Game.

By Mr. Dame of Portsmouth, House Bill No. 122, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission. To the Committee on Ways and Means.

By Mr. Peever of Salem, House Bill No. 123, An Act authorizing the Salem school district to exceed its debt limit and incur indebtedness not to exceed eight hundred fifty-five thousand dollars. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 123.

The Clerk read House Bill No. 123 in full.

By Mr. Cushman of Orford, House Bill No. 124, An Act relative to the preparation and distribution of a manual for municipal officers. To the Committee on Municipal and County Government.

By Mr. Henry of Concord (by request), House Bill No. 125, An Act relative to taking muskrat. To the Committee on Fish and Game.

By Mr. Vachon of Manchester, House Bill No. 126, An Act relative to the conduct of business on legal holidays. To the Committee on Municipal and County Government.

By Mrs. Frizzell of Charlestown, House Bill No. 127, An Act relative to damaging and detaining library and gallery property. To the Committee on Judiciary.

By Mr. Pillsbury of Manchester and Mr. Kearns of Manchester, House Bill No. 128, An Act relative to religious instruction. To the Committee on Judiciary.

By Mr. Marsh of Colebrook, House Bill No. 129, An Act legalizing the annual town meeting held in the town of Colebrook on March 11, 1958. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 129.

The Clerk read the bill in full.

By Mr. Crosby of Hillsborough, House Bill No. 130, An Act increasing the rate for minimum wages. To the Committee on Labor.

By Mr. Diffenderfer of Ossipee, House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors. To the Committee on Executive Departments and Administration.

By Mr. Angus of Claremont, House Bill No. 132, An Act providing for an assistant superintendent of schools for Claremont. To the Committee on Education.

By Mr. Monahan, of Hanover, House Bill No. 133, An Act relating to authority of the fish and game director to control porcupines. To the Committee on Fish and Game.

By Mr. Monahan of Hanover, House Bill No. 134, An Act making appropriation for control of porcupines. To the Committee on Fish and Game.

By Mr. Underhill of Nashua, House Bill No. 135, An Act to provide for group hospitalization benefits covering state employees. To the Committee on Executive Departments and Administration.

By Mr. Bradbury of Claremont, House Bill No. 136, An Act relative to injuring property while taking fish and game. To the Committee on Fish and Game.

Committee Reports

Mr. Bigelow of Warner, for the Committee on Claims to whom was referred House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube, having considered the same, report the same with the recommendation that the Joint Resolution ought to pass.

Mr. Green of Manchester explained the House Joint Resolution.

The report was accepted and the House Joint Resolution was ordered to a third reading.

Mrs. Prescott of Brentwood, for the Committee on Ways and Means to whom was referred House Bill No. 27, An Act relative to exemption under the provisions of stock-in-trade tax, having considered the same, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Pickett of Keene moved that action on House Bill No. 27 be made a special order for 11:01 o'clock on Tuesday next.

On a *viva voce* vote the motion prevailed.

Mrs. Delude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 23, An Act providing for appointment of pro tempore members of ballot-law commission, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "duties" in the fourth line the words, or disqualifies himself, so that said section as amended shall read as follows: 1 *Ballot-law Commission*. Amend RSA 68 by inserting after section 1 the following new section: 68:1-a *Pro Tem*. In case either of the appointed members of the commission is absent from any meeting or unable to perform his duties or disqualifies himself as such commissioner a commissioner pro tempore shall be appointed by the supreme court acting as a body. In case of such appointment the appointee shall be of the same political party as that of the commissioner whose place he is temporarily filling.

The report was accepted. The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill as amended ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 44, An Act increasing the public utilities commission from three to five members and reducing the term from six to five years, having considered the same, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

On a *viva voce* vote the resolution was adopted.

Mrs. Davis of Concord, for the Special Committee consisting of the members from the city of Concord to whom was referred House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord, having considered the same, report the same with the recommendation that the Joint Resolution ought to pass.

The report was adopted and House Joint Resolution No. 10 was referred to the Committee on Appropriations under the Rules.

Special Order

Mr. Gilman of Farmington called for the Special Order on the Concurrent Resolution concerning the Governor's Budget Message.

Mr. Gilman of Farmington offered the following amendment which the Clerk read.

Amend the Concurrent Resolution concerning the Governor's budget message by striking out the words "and requested" in the second line and by striking out the words "and instructs its several committees accordingly" in the last line of the resolution (as printed in the Journal of January 21 on page 11) so that said Concurrent Resolution as amended shall read as follows:

Whereas, his Excellency the Governor in his budget message of this day has recommended that the General Court approve a base budget for each year of the next biennium not in excess of the general fund expenditures for the fiscal year 1959 plus previously authorized and unavoidable increases; and

Whereas, his Excellency, has requested an early indication as to whether or not this General Court joins him in adopting this base budget policy, now therefore be it

Resolved, That the General Court of the State of New Hampshire, believing that the adoption of such a base budget policy is in the best interest of the State, hereby adopts said policy.

The question being on the amendment as read.

Mr. Gilman of Farmington explained the amendment and spoke in favor of the Resolution as amended.

(Discussion ensued)

Mr. Hodgdon of Tuftonboro spoke in favor of the Resolution as amended.

Mr. King of Manchester spoke in opposition to the Resolution as amended.

(Discussion ensued)

Mr. Clement of Landaff spoke in favor of the Resolution as amended.

Miss Loizeaux of Plymouth spoke in favor of the Resolution as amended.

Mr. Malley of Somersworth spoke in opposition to the Resolution as amended.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the Resolution as amended.

Mr. Guay of Lebanon spoke against the Resolution as amended.

Mr. MacIsaac of Laconia spoke in favor of the Resolution as amended.

Mr. Coutermarsh of Lebanon spoke in opposition to the Resolution as amended.

(Discussion ensued)

Mrs. Atwood of Sanbornton spoke in favor of the Resolution as amended.

Mr. Branch of Goffstown spoke in opposition to the Resolution as amended.

(Discussion ensued)

Mr. Kearns of Manchester spoke in opposition to the Resolution as amended.

Mr. Rowell of Newport spoke in favor of the Resolution as amended.

Mr. Normandin of Laconia spoke in opposition to the Resolution as amended.

Mr. Pickett of Keene spoke in opposition to the Resolution as amended.

Mr. Pillsbury of Manchester spoke in favor of the Resolution as amended.

(Discussion ensued)

Mrs. Dondero spoke in favor of the Resolution as amended.

Mr. Hart of Laconia moved the previous question.

The motion was sufficiently seconded.

The question being, shall the main question now be put?

On a *viva voce* vote the motion prevailed.

The question now being on the adoption of the amendment.

Mr. Bisbee of Derry asked for the Yeas and Nays, and subsequently withdrew his request.

Mr. King of Manchester asked for the Yeas and Nays, and the Roll was called with the following result:

Roll Call

Yeas, 266

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Aucella, Farwell, Herrick, Vadney, Hambleton, Nickerson of Goffstown, Taft, Crosby, Goodwin, Daneault, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Hart of Manchester, Armstrong of Manchester, Daniel, DeGrace, Gauthier, Deans, Falconer, Hayward of Milford, Cooper, Saunders, Underhill, Thibault of Nashua, Griffin of Nashua, Chartrain, Bissonette, Locke, Thompson of New Ipswich, Hodgman, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Turner, Stearns, Gordon of Jaffrey, Spofford, Haley, Terrill, McCullough, Wheeler, Bennett, Brown of Keene, Faulkner, Oliver, Allen, Bouvier, Hackler, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Russell, Angus, Nahil, Phillips, D'Amante, Davis of Cornish, Marx, Wirkkala, Brown of Newport, Rowell, Spalding, Philbrick of Springfield, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Plumer, Willey, Graham of Canaan, Bradley of Hanover, Hayward of Hanover, Monahan, Larty, McMeekin, Chamberlain of Holderness, Clement of Landaff, Beard, Porter, Whipple, Armstrong of Littleton, Burrill, Kelley, Birch, Haskins, Johnson of Monroe, Cushman, Bell, Loizeaux, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Brungot, Christiansen, Lacasse of Berlin, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Kim-

ball of Jefferson, Swett, Potter, Styles, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Bisbee, Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Jones, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard, Jenkins, Sheehy, Cheney, Carter, Pinkham, Palmer of Plaistow, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, ward 4, White of Portsmouth, ward 5, Ingraham, Carkin, Cross, Langford, Peever, Roulston, Willis, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Bevan, Chase of Durham, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Maloomian, Vincent.

BELKNAP COUNTY: Rollins, McAllister, Lord, Snow, Hart of Laconia, Lacaille, Ayre of Laconia, Karagianis, Prescott of Laconia, Burbank, O'Shan, MacIsaac, Varrell, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Duchano, Chamberlain of Wolfeboro, Clafin.

MERRIMACK COUNTY: Flynn, Hanson, Moore, Bates, Davis of Concord, Henry, Lessels, Robinson of Concord, O'Neil of Concord, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Rufo, Carr, Boomhower, Thompson of Franklin, Charland, Leonard, Carpenter, Mulaire, Nelson, Presby, Perry, London, Burleigh, Ayer of Pittsfield, McGrath, Hunt, Bigelow, Stone, Thompson of Wilmot.

Nays, 105

HILLSBOROUGH COUNTY: Branch, Gallagher, Gamache, Martel of Manchester, ward 3, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, ward 5, Manning, Walsh,

Casey, Clancy, Ecker, Healy of Manchester, ward 6, O'Connor, Lafrance, LeClerc, Tessier, Champagne, Compagna, Delisle, Lavoie, Pelissier, Cary. Morris, Belanger, Bergeron, Kearns, King, Hurley, Lafond of Manchester, Noel Levasseur, Maston, Nalette, Dion of Manchester, Rousseau, Crowley, Vachon, Peaslee of Merrimack, Cole, Belcourt, Trombly, Brosnahan, Maynard, Dionne of Nashua, Marcoux, Ryan, Bouley, Grand-maison, Latour, Sablusi, Bouthillier.

CHESHIRE COUNTY: Keating, Kretowicz, Pickett, Forbes, Congdon.

SULLIVAN COUNTY: Gaffney, Desnoyer, Bailey, Downing.

GRAFTON COUNTY: Sanborn of Enfield, Neale, Coutermarsh, Guay of Lebanon, McGee, Kinghorn, Barney.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Bouchard, Gagnon, Bushey, Stinson.

ROCKINGHAM COUNTY: Blair, Merrill, Palmer of Kensington, LaBranche, Twardus.

STRAFFORD COUNTY: Desjardins, Grimes, Flanagan, Lacasse of Rochester, Boisvert of Rollinsford, Habel, Cormier, Malley, Brown of Strafford.

BELKNAP COUNTY: Harkins, Normandin, Pickering of Meredith.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Guilbeault, Phelps, LaFlamme, Dowd, Gilman of Franklin, LaFond of Hooksett, Plourde, Thibeault of Pembroke.

And the amendment was adopted.

The question now being on the resolution as amended.

On a *viva voce* vote the resolution was adopted.

Mr. Gilman of Farmington moved that the House reconsider the vote whereby the Concurrent Resolution was adopted.

Mr. Gilman of Farmington spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Resolutions

Mr. Downs of Conway and Mr. Geisel of Manchester offered the following resolutions:

Whereas, we have learned with regret of the death of Earl V. Howard of Piermont, and

Whereas, Mr. Howard was a former member of the House of Representatives and of the Senate, therefore be it

Resolved, That we, the members of this House of Representatives hereby extend our sympathy to his family in its bereavement and be it further

Resolved, That a copy of these resolutions be transmitted to Mrs. Howard.

On a *viva voce* vote the resolutions were adopted.

Mr. Haley of Keene offered the following resolutions:

Whereas, we have learned of the accident and serious injury of our fellow member James B. Miskelly, and

Whereas, Mr. Miskelly is a member of the House from Keene, therefore be it

Resolved, That we, the members of this House of Representatives of the New Hampshire General Court extend to our fellow member our sympathy in his illness and a speedy recovery of his health, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mr. Miskelly.

On a *viva voce* vote the resolutions were adopted.

Mr. Emerson of Dalton offered the following resolutions:

Whereas, Arthur Simonds, Representative from Lancaster has been absent on account of illness, therefore be it

Resolved, That we, the members of the House of Representatives, extend to our fellow member our sympathy and best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Simonds a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

Mr. Mulaire of Hooksett and Mr. Bradbury of Claremont offered the following resolutions:

Whereas, Everett K. Jenkins, former Representative from Loudon, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, pay tribute to our former fellow member for his service to his town and

state and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the widow, Mrs. Jenkins, a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

Mr. Marks of Langdon explained the mileage questionnaire.

Announcements

The Speaker announced that 4:00 P. M. is the deadline for giving reports and hearings to the House Stenographers for the Journal.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time; that third reading of bills be by title only and House joint resolutions by caption only; and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bill and House joint resolution were severally read a third time, passed and sent to the Senate for concurrence:

House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube.

House Bill No. 23, An Act providing for appointment of pro tempore members of ballot-law commission.

On motion of Mrs. Prescott of Brentwood the House adjourned at 1:25 o'clock.

WEDNESDAY, JANUARY 28, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O Lord, our God, as we meet here in this seat of government, we pray that our actions may be consonant with those values of Jesus of Nazareth, Who many years ago in the

capitol of Judea gave His life in the cause of a spiritual kingdom.

So may we in the transactions of the affairs of state seek to conquer the lust of greed and power through an emulation of who best can work and best agree. Amen.

Salute to the Flag

Mr. Sanborn of Hampton Falls led the Convention in the Salute to the Flag.

House

Introduction of Guests

Mr. Martel of Manchester Ward 3 introduced the following guests:

Mr. Joseph Maurice of "Le Cendrillon" club of Montreal, P. Q.

Mr. Gerard Anctil of "Le Penguin" club of Granby, P. Q. and his daughter Miss Madeleine Anctil of "Le Penguin" club of Granby, P. Q.

The above snowshoe club members marched from Montreal, Canada to Manchester, N. H.

Introduction of Bills

The following bills and House joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mrs. Kinghorn of Piermont, House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of nonresident. To the Committee on Municipal and County Government.

By Mr. Palmer of Kensington, House Bill No. 138, An Act relative to birth registration cards, fees for vital statistic records, and for correction of vital records. To the Committee on Municipal and County Government.

By Mr. Blair of Epping, House Bill No. 139, An Act relative to report of marriages solemnized outside the state, and increasing fee for solemnizing marriage. To the Committee on Municipal and County Government.

By Mr. Bigelow of Warner, House Bill No. 140, An Act

relative to the practice of physical therapy. To the Committee on Public Health.

By Mr. Hart of Laconia, House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association. To the Committee on Executive Departments and Administration.

By Mr. McGee of Lincoln, House Bill No. 142, An Act relative to recreational advertising for the Flume, Lafayette Campground and the Basin, and Fay Wayside Area, so called. To the Committee on Resources, Recreation and Development.

By Mr. Burrill of Littleton, House Bill No. 143, An Act providing for the classification of certain surface waters of the Connecticut River watershed. To the Committee on Resources, Recreation and Development.

By Mr. Lessels of Concord, House Bill No. 144, An Act relative to boiler and pressure vessel inspection. To the Committee on Judiciary.

By Mr. Coutermarsh of Lebanon, House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems. To the Committee on Resources, Recreation and Development.

By Mr. Twardus of Newmarket, House Bill No. 146, An Act designating the house of correction in Rockingham county as a jail. To the Rockingham Delegation.

By Mrs. Brungot of Berlin, House Bill No. 147, An Act relative to destruction of certain records in the department of public welfare. To the Committee on Public Welfare and State Institutions.

By Mrs. Brungot of Berlin, House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children. To the Committee on Public Welfare and State Institutions.

By Mr. Bigelow of Warner, House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather. To the Committee on Claims.

Committee Reports

Mrs. St. Pierre of Rochester, for the Committee on Appropriations to whom was referred House Joint Resolution No. 3, Joint Resolution providing for additional expenditures by the Board of Professional Engineers, having considered the same,

report the same with the recommendation that the Joint Resolution ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Rowell of Newport and Mr. Clement of Rochester explained the House Joint Resolution.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Shepard of Londonderry, for the Committee on Municipal and County Government to whom was referred House Bill No. 36, An Act relating to payments to cities and towns by municipal courts, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolution sent up from the House of Representatives.

Whereas, His Excellency, the Governor, in his budget message of this day has recommended that the General Court approve a base budget for each year of the next biennium not in excess of the general fund expenditures for the fiscal year 1959 plus previously authorized and unavoidable increases; and

Whereas, His Excellency has requested an early indication as to whether or not this General Court joins him in adopting this base budget policy; now therefore be it

Resolved, That the General Court of the State of New Hampshire, believing that the adoption of such a base budget policy is in the best interest of the State, hereby adopts said policy.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 14, An Act relative to abatement of taxes assessed against the Valley Trust Company.

Senate Bill No. 14 was read a first and second time and referred to the Committee on Banks.

Mr. Twardus of Newmarket introduced the following Concurrent Resolution:

Whereas, the construction of submarines and other vessels for the United States fleet is the same at the Portsmouth naval shipyard as at the Boston shipyard, and

Whereas, at the present time there is a difference in salary paid to employees at the two shipyards, now, therefore be it

Resolved, That the General Court of the State of New Hampshire memorialize the Congress of the United States to give consideration to an equalization of salaries of employees at the Portsmouth naval shipyard to that paid employees at the Boston shipyard, be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the New Hampshire delegation in Congress.

The Concurrent Resolution was laid on the table and referred to the Committee on Labor.

The Keene Delegation introduced the following resolutions:

Whereas, we have learned of the death of Verne C. Swan of Keene, and

Whereas, Mr. Swan was a former fellow member from Keene and has served his city, county and state in many capacities, therefore be it

Resolved, That we, the members of the House of Representatives do hereby extend our sympathy to his bereaved family and be it further

Resolved, That a copy of these resolutions be transmitted to Mrs. Swan by the Clerk of the House.

On a *viva voce* vote the resolutions were adopted.

Tellers Appointed

The Chair announced appointment of Tellers for the session as follows:

Division 1	Angus of Claremont
Division 2	Kearns of Manchester
Division 3	Deans of Milford
Division 4	Bigelow of Warner
Division 5	Hart of Laconia

On motion of Mr. Pickett of Keene, the rules were so far suspended as to allow business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bill and House joint resolution were read a third time, passed and sent to the Senate for concurrence:

House Joint Resolution No. 3, Joint Resolution providing for additional expenditures by the Board of Professional Engineers.

House Bill No. 36, An Act relating to payments to cities and towns by municipal courts.

On motion of Mrs. Weeks of Greenland the House adjourned at 11:30 o'clock.

THURSDAY, JANUARY 29, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend C. Vaughn Overman, of the New Durham Baptist Church of New Durham as guest of Mrs. Moulton of New Durham.

Oh Lord, Our Lord, how excellent is Thy name in all the earth. We thank Thee Oh Lord, for Thy goodness to us, and in the spirit of thankfulness we make our requests to Thee. Grant Thy wisdom to these in whom we have instructed our law-making. May they constantly bear in mind that all that is good is from God, and may they seek the guidance of God in their tasks from day to day.

May they have righteous courage and fearless fortitude to withstand the constant encroachments of all that is evil and self centered. Keep us pure in our personal as well as our public life as we say with the Psalmist of old, "Let the words of my mouth and the meditations of my heart be acceptable in Thy sight, O Lord, my strength and my Redeemer."

We ask this in the name of Jesus who gave a new law for all men everywhere, "Love one another!" Amen.

Salute to the Flag

Mrs. Moulton of New Durham led the Convention in the salute to the Flag.

House

Leaves of Absence

Mr. Saunders of Nashua was granted leave of absence for the day on account of illness.

Introduction of Bills

The following bills having been severally introduced, read a first and second time, were laid upon the table to be printed and referred as follows:

By Miss Loizeaux of Plymouth, House Bill No. 149, An Act in relation to extension courses at the teacher's colleges. To the Committee on Education.

By Mr. Converse, House Bill No. 150, An Act designating Lake Francis as public water. To the Committee on Resources, Recreation and Development.

By Mr. Karagianis of Laconia, House Bill No. 151, An Act relative to the Laconia board of education. To the Committee on Education.

Mr. O'Shan of Laconia moved that the order whereby House Bill No. 151 was referred to the Committee on Education be vacated and the bill referred to the Special committee consisting of the members from the city of Laconia.

Mr. Karagianis spoke against the motion.

Mr. MacIsaac of Laconia spoke in favor of the motion.

On a *viva voce* vote the motion to vacate prevailed and the bill was referred to the Special Committee consisting of the members from the city of Laconia.

By Mr. Hunt of Salisbury, House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons. To the Committee on Public Health.

By Mr. Casey of Manchester, Mrs. Cooper of Nashua, House Bill No. 153, An Act relative to the annual salaries of

the Hillsborough county commissioners. To the Hillsborough County Delegation.

By Mr. Hancock of Concord, House Bill No. 154, An Act relative to the use of fluorine in public water supplies. To the Committee on Public Health.

By Mr. Barker of Stratham, House Bill No. 155, An Act relative to the possession of wire cutters. To the Committee on Fish and Game.

By Mr. Twardus of Newmarket, House Bill No. 156, An Act relative to mileage rate for employees of employment security department using private cars. To the Committee on Executive Departments and Administration.

By Mr. Grimes of Dover, House Bill No. 157, An Act relative to pari-mutuel pools at race meets. To the Committee on Ways and Means.

By Mr. Brown of Keene, House Bill No. 158, An Act relative to authority of the water resources board to aid in carrying out projects for watershed protection. To the Committee on Resources, Recreation and Development.

By Mr. Comi of Concord, House Bill No. 159, An Act relative to prohibited sales of alcoholic beverages. To the Committee on Liquor Laws.

By Mrs. Lord of Gilford, House Bill No. 160, An Act providing a longer season and increased license fees for bow and arrow hunting. To the Committee on Fish and Game.

By Mrs. Lord of Gilford, House Bill No. 161, An Act relative to bow and arrow hunting for deer on islands. To the Committee on Fish and Game.

By Mr. Miskelly of Keene, House Bill No. 162, An Act relative to county attorneys. To the Committee on Judiciary.

On motion of Mr. Crosby of Hillsborough the rules were so far suspended as to dispense with the printing of House Bill No. 162.

The Clerk read House Bill No. 162 in full.

By Mr. Gallagher of Hudson, House Bill No. 163, An Act legalizing certain meetings of the town of Hudson. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules were so far suspended as to dispense with the printing of House Bill No. 163.

The Clerk read House Bill No. 163 in full.

By Mr. Brown of Strafford, House Bill No. 164, An Act relative to milk standards. To the Committee on Agriculture.

By Mr. Nelson of Hopkinton, House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities. To the Committee on Ways and Means.

By Mr. O'Shan of Laconia, House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans Association. To the Committee on Military and Veterans' Affairs.

Committee Reports

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 50, An Act relative to unused accumulated sick leave by employees, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Comi of Concord spoke in favor of the report of the committee.

On a *viva voce* vote the report was accepted.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 32, An Act legalizing the biennial election of 1958 in the town of Mont Vernon.

Resolutions

Mr. Oliver of Marlborough offered the following resolutions:

Whereas, Ray E. Tarbox has passed away, and

Whereas, He was a former Representative from Marlborough and, at the time of his passing, Chairman of the State Liquor Commission, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, pay tribute to his services to his town and state and express our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Tarbox, a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Special Committee Appointed

The Chair appointed as a Special Committee on House Joint Resolution No. 1, Mrs. Ainley of Manchester, Mr. Hodgdon of Tuftonboro and Mr. McGee of Lincoln.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, and when the House adjourns to-day it be to meet Tuesday morning next at 11:00 o'clock.

On motion of Miss Spollett of Hampstead the House adjourned at 11:39 o'clock.

TUESDAY, FEBRUARY 3, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain Reverend Z. Richard Henley, Chaplain of the New Hampshire Industrial School.

Eternal God, Thou hast taught us that "the way of man is not in himself: it is not in man . . . to direct his steps." In humble recognition of our limitations, we come to Thee. We pray that Thou, in Thy perfect wisdom and unsearchable knowledge will show us the way in which we ought to go. Do Thou direct our paths.

We seek Thy special blessing upon our Governor, and upon each member of the governing bodies of our beloved state. Grant them clear thinking in all of the issues before them. May they be given the strength and the courage to act in such a manner, that they will always be conscious of their duty to

Thee, and their responsibility to those whom they represent. Thus may we prove that it is truly in Thee — Our God — in whom we have placed our trust.

In Jesus' name, we pray. Amen.

Salute to the Flag.

Mrs. Chase of Concord led the Convention in the salute to the Flag.

House

Leaves of Absence

Mr. Kretowicz of Keene was granted leave of absence from February 3 to February 19 on account of important business.

Mr. Bragdon of Amherst was granted leave of absence for the week on account of important business.

Mr. Saunders of Nashua was granted leave of absence for the week on account of illness.

Mr. Maxham of Concord was granted leave of absence for the day on account of important business.

Messrs. Hunter of Hampton and Smith of Exeter were granted leaves of absence for the day on account of illness.

Introduction of Guests

The Chair introduced the following as guests of the House:

A group from the Freshman Class of the Franklin High School as guests of Senator Cleveland and the Franklin Delegation.

A group of fourteen from the New Hampshire Industrial School as guests of the Manchester Delegation.

Former Representative Ernest Pillsbury from Sandown as guest of Mr. Gordon of Sandown.

Qualified

Mr. Watson of Belmont, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House.

The Chair introduced Mr. Watson to the members of the House.

Petitions from Members

Mr. Pickett of Keene moved that the remarks of Dr. Charles F. Ritch, Jr., Commissioner of Education at Keene Teachers College on January 31st be printed in the Journal.

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Address Delivered by

Dr. Charles F. Ritch, Jr., Commissioner of Education

Keene Teachers College

January 31, 1959

Teacher Education in the Years Ahead

Governor Powell, Honorable Councilmen, distinguished members of the General Court, President Young, honored guests, ladies and gentlemen.

First, may I acknowledge my personal pleasure in being a participant on this memorable occasion which marks the 50th anniversary of the founding of the Keene Teachers College.

It is indeed fitting at this time that we not only review the past but also attempt to evaluate the present and make plans for the future.

At each mid-century mark, leaders are prone to pause to observe where they are going and why. I can well imagine that this very college is the product of such a process at the turn of the twentieth century. The early 1900's was a period of deep concern for public education. It was then that public school systems came into their own. They were expanded to encompass not only elementary and grammar school children, but also the new concept that high schools should be developed to meet the needs of all the children of all the people and be expanded beyond providing preparation of the select few for the professions.

It was the early 1900's when the comprehensive high school came into being. Leaders of business, labor, government and education became acutely aware of the expanding needs of public education. As a result, firm foundations were laid upon which rest our present-day systems. Coupled with this restlessness in the public school enterprise, institutions for the preparation of competent teachers came into being. The Keene Teachers College is one of those institutions.

Fifty years have come and gone. Today this college and other similar ones are at the crossroads. During those past years, the world has moved at a frightful pace. And yet, the need for teachers has not diminished. To the contrary. Today our teacher-training institutions must be geared to prepare men and women who in turn can adequately instruct children to live successfully in a new age of atomic energy, automation and space travel. This challenge is a severe one. And yet, we must meet the stern demands of our times.

To me, the emerging pattern of teacher education can best be symbolized by the title of a recent report made by the Rockefeller Brothers Fund — *The Pursuit of Excellence: Education and the Future of America*. Our teacher-training institutions dare not be satisfied with less than the pursuit of excellence.

Our present demands and those of the future will most certainly cause us to change our teachers college curricula. Already we have seen evidence of those changes. The teachers colleges of today are not as they formerly were — institutions where most of their instructional emphasis was on methodology. Instead, a new pattern is much in view. Today, general education, similar to that of the liberal arts colleges, is to be found in the training of the first two years of our teachers colleges. The third and fourth years provide instruction in specialized areas along with an experience in actual classroom teaching.

Throughout our land, teacher preparation has by and large taken on a four-year training pattern. It appears quite probable that during the decades ahead, teacher training will be extended to a fifth year in order to properly train the teacher of tomorrow. Such an extended training will provide for more depth and an interne experience which has proved to be of great value.

The teacher-preparation curriculum of the future will certainly demand intensity and depth. Overlapping and repetitious courses will be eliminated. More emphasis will be placed on subject-matter mastery. This is the price of the pursuit of excellence. On this subject, the Educational Policies Commission in their publication of January, 1959, entitled — *An Essay On Quality In Public Education* — notes the following:

“Teaching is essentially interaction between pupil and teacher, and rapport vitally affects the quality of learning.

Therefore an acceptance of and liking for children and youth and an ability to stimulate and inspire them are essential for a teacher.

"Every teacher should have substantial knowledge of the subject field or fields in which he teaches. Such specialization, however, should be based on general education. An excellent teacher possesses knowledge and appreciation of the sciences, the arts, history, and literature. He understands and participates in the traditions, values, and aspirations of his people.

"An excellent teacher also has wide acquaintance with the study of human growth and the psychology of learning. He is able to view education and its problems in the light of its history and of its role in American culture. He has a sense of the mission of education in a democratic society and a restless enthusiasm to create new possibilities for his pupils. He is informed regarding guidance, evaluation of pupil progress, teaching methods and materials in his field, and the resources for learning in the school and community."

A teacher who is to be a part of this pursuit of excellence cannot be less prepared.

Naturally, the training of teachers has a purpose. But as the Rockefeller Report notes, excellence cannot be narrowly construed. Instead, it observes:

"Our conception of excellence must embrace many kinds of achievement at many levels. There is no single scale or simple set of categories in terms of which to measure excellence. There is excellence in abstract intellectual activity, in art, in music, in managerial activities, in craftsmanship, in human relations, in technical work.

"We must not assume that native capacity is the sole ingredient in superior performance. Excellence . . . is a product of ability and motivation and character. And the more one observes high performance in the dust and heat of daily life, the more one is likely to be impressed with the contribution made by the latter two ingredients.

"We must recognize that judgments of differences in talent are not judgments of differences in human worth."

Within the decades immediately ahead, it appears to me that teachers colleges as such will lose their identity. This does not mean for one moment that institutions of higher learning will cease to prepare teachers or that fewer teachers will be

trained. Quite to the contrary. However, the pressure of the number of students seeking entrance to institutions of higher learning and economic prudence will cause the enlargement of many existing teachers colleges into more comprehensive institutions.

It is my belief that this emerging pattern will cause institutions like Keene to become colleges which will embrace functions beyond those of teacher preparation. This college and other similar ones can easily be expanded to offer broader services to the academic world. This seems a natural and desirable development for the decades ahead. But, as the Rockefeller Report observes:

"The nation's need for good education is immediate; and good education is expensive. That is a fact which the American people have never been quite prepared to face. At stake is nothing less than our national greatness and our aspirations for the dignity of the individual. If the public is not prepared for this, then responsible educators, business leaders, political leaders, unions, and civic organizations must join in a national campaign to prepare them.

In the past, Americans have preferred to accomplish the financing of public education, like the financing of most non-defense public facilities and services, at the state and local level. But state and local tax systems are in some respects archaic and it is very difficult to keep the revenues from this source growing in step with the economy or with the growing demand for governmental services which an expanding economy creates. This is due partly to the excessive dependence of state and local revenues — particularly the latter — upon the real property tax, which is notably laggard in its response to rising income. And it is due partly to the fact that state and local governments are reluctant to extend or expand their taxing systems for fear of placing their communities or states at a competitive disadvantage relative to other areas."

The report goes on to note that:

"It is this weakness in the state and local taxing systems more than anything else that gives rise to current proposals for increased federal support of education. For those who wish to resist or postpone the resort to federal funds and at the same time not constrict educational services there seems to be

only one alternative: a thorough, painful, politically courageous overhaul of state and local tax systems."

To this concept, I subscribe thoroughly.

With all of its shortcomings, the American educational system has much for which to be proud. Today we stand as men among men. We are a leader among the nations of the world. Our people are among the best educated. Our past is great, our present alert, and our future is bright. I am most sure that the American genius will not sell short its children and their future.

It is fitting today that we remind ourselves in all humility of the leadership which the Keene Teachers College represents. We are rightly indebted to our leaders of fifty years ago who in their wisdom saw fit to establish this college. Their trust and investment in the future has received trustworthy stewardship. We certainly hope and pray that we today can continue to do justice to the heritage which is ours.

To those of you who have graduated from this college, today is a proud one. For those of you who are students here now, a golden opportunity is yours. Make much of it. I am sure we all wish to congratulate President Young and his splendid staff for making it possible for the Keene Teachers College to continue in its splendid sphere of influence.

This college has made a real imprint upon the lives of many persons here in New Hampshire and elsewhere. You are to be heartily congratulated on the present stature of this college. Its leadership is in capable hands.

In closing, may I pay tribute to the teaching profession in general and to the Keene Teachers College in particular by reading the following reflections from that master teacher, William Lyon Phelps of Yale. Said he:

"I do not know that I could make entirely clear to an outsider the pleasure I have in teaching. I had rather earn my living by teaching than in any other way. In my mind, teaching is not merely a life-work, a profession, an occupation, a struggle; it is a passion. I love to teach. I love to teach as a painter loves to paint, as a singer loves to sing, as a strong man rejoices to run a race.

"Teaching is an art — an art so great and so difficult to master that a man or a woman can spend a long life at it, without realizing much more than his limitations and mis-

takes, and his distance from the ideal. But the main aim of my happy days has been to become a good teacher, just as every architect wishes to be a good architect, and every professional poet strives toward perfection. For the chief difference between the ambition of an artist and the ambition of a money-maker — both natural and honourable ambitions — is that the money-maker is after the practical reward of his toil, while the artist wants the inner satisfaction that accompanies mastery.”

Introduction of Bills

The following bills and House Joint Resolution having been severally read a first and second time were laid upon the table and referred as follows:

By Mr. Willey of Campton, House Bill No. 166, An Act relative to the practice of professional nursing. To the Committee on Judiciary.

By Mr. Gove of Concord (by request) House Bill No. 167, An Act relative to education of children of state employees residing on state owned property. To the Committee on Education.

By Mr. Varney of Rochester, House Bill No. 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance. To the Committee on Insurance.

By Mr. Tobin of Manchester and Mr. Normandin of Laconia, House Bill No. 169, An Act relative to requirements for candidates to appear on the primary ballot for nomination as governor, United States senator or representative to Congress. To the Committee on Judiciary.

By Mr. Deans of Milford, House Bill No. 170, An Act relative to the destruction of records by the bureau of food and chemistry. To the Committee on Executive Departments and Administration.

By Mr. Burrows of Claremont, House Bill No. 171, An Act relative to answers to questions appearing on ballots. To the Committee on Executive Departments and Administration.

By Mr. Cheney of Newton, House Bill No. 172, An Act relative to the use of outboard motors and power boats by fish and game department personnel. To the Committee on Fish and Game.

By Mr. Cushman of Orford, House Bill No. 173, An Act penalizing persons remaining on private property after being requested to leave by the owner. To the Committee on Judiciary.

By Mr. Geisel of Manchester, House Bill No. 174, An Act relative to the operation of boats on Squam Lake. To the Committee on Resources, Recreation and Development.

By Mr. Rollins of Alton, Mr. Oliver of Marlborough, House Bill No. 175, An Act to provide for a study of public access to the public lakes and ponds of the state over ten acres in extent. To the Committee on Resources, Recreation and Development.

By Mrs. DeLude of Unity, House Bill No. 176, An Act relating to limit of accumulation of The Boys' and Girls' Benefit Fund. To the Committee on Executive Departments and Administration.

By Mr. Lacasse of Berlin, House Bill No. 177, An Act to provide increased benefits under the state employees retirement system. To the Committee on Executive Departments and Administration.

By Mr. Pappagianis of Nashua, House Bill No. 178, An Act to increase the powers of St. Anthony College. To the Committee on Executive Departments and Administration.

By Mr. Converse of Pittsburg, House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlbert. To the Committee on Appropriation.

Reports of Standing Committees

Mr. Perrault of Berlin, for the Committee on Aviation, to whom was referred House Bill No. 31, An Act relative to compensation for members of state aeronautics commission, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and House Bill No. 31 was referred to the Committee on Appropriations under the rules.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 45, An Act relative to compensation for motor vehicle damage resulting from colli-

sion with deer, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 15, An Act relative to ethical practices, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 18, An Act relative to suspension of motor vehicle licenses by municipal courts, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. London of New London moved that House Bill No. 18 be recommitted to the Judiciary Committee.

Mr. London spoke in favor of the motion.

Mr. Merrifield of Sunapee spoke against the motion.

Mr. Crosby of Hillsborough spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and House Bill No. 18 was recommitted the Judiciary Committee.

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 37, An Act relating to nonsupport, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Griffin of Auburn, for the Committee on Judiciary, to whom was referred House Joint Resolution No. 4, Joint Resolution relative to legislative committee hearings, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Phillips of Lebanon, for the Committee on Municipal and County Government, to whom was referred House Bill No. 69, An Act legalizing the biennial election of 1958 in the

town of Cornish, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote House Bill No. 69 was ordered to a third reading.

Mr. Clafin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 2, An Act relative to barbering schools and barbering instructors, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 2 by striking out the figures "1960" in the first, fifth and sixth lines and inserting in place thereof the figures, 1959 so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect as of July 1, 1959. No renewals for barbering schools shall be issued after said date and until the requirements hereof have been met. Provided, however, that the board may give examination for barbering instructor certificate prior to July 1, 1959, but certificates therefor shall not be effective until July 1, 1959.

The report was accepted.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Clafin of Wolfeboro explained the bill.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Newell of Concord, for the Committee on Public Works to whom was referred House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote House Bill No. 7 was ordered to a third reading.

Mr. Robinson of Concord, for the Committee on Public Works to whom was referred House Bill No. 49, An Act to change the classification of the Crotched Mountain road in Greenfield, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend Section 1 of the bill by striking out the words "the town line between Greenfield and Francestown" in the fourth line and inserting in place thereof the words, a point presently known as the West Entrance of the Crotched Mountain Rehabilitation Center, so that said section as amended shall read as follows:

1 *Change in Classification.* The highway known as the Crotched Mountain Road in the town of Greenfield, beginning at the intersection with the Bennington road and thence running northeasterly to a point presently known as the West Entrance of the Crotched Mountain Rehabilitation Center, shall hereafter be classified as a class II highway.

The report was accepted.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 22, An Act establishing the state historical commission, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the committee on Appropriations under the Rules.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 47, An Act relative to distribution by the state of sums paid by the Commonwealth of Massachusetts on account of Merrimack River Flood Control Compact, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pickett called for the Special Order on House Bill No. 27, An Act relative to exemption under the provisions of stock-in-trade tax.

The question being on the resolution of the committee on Ways and Means that House Bill No. 27 was inexpedient to legislate.

Mr. Pickett of Keene moved that the words "Ought to Pass with amendment" be substituted for the words "Inexpedient to Legislate".

Mr. Pickett spoke in explanation of the amendment and subsequently withdrew his motion.

The question being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills reported that they had examined and found correctly engrossed the following entitled House Bills:

House Bill No. 32, An Act legalizing the biennial election of 1958 in the town of Mont Vernon.

House Bill No. 33, An Act relating to dogs.

The report was accepted.

Senate Message

The Senate message announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 33, An Act relating to dogs.

The Senate message further announced that the Senate had passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 15, An Act amending the charter of the New Hampshire Centennial Home for the Aged.

Senate Bill No. 15 was read a first and second time and referred to the Committee on Executive Departments and Administration.

Committee Changes

DeGrace of Manchester to Claims.

Christy of Manchester from Claims.

Watson of Belmont to Public Health.

Dowd of Concord from Public Health to Education.

Martel of Manchester from Education to Public Health.

Swett of Lancaster from Military and Veterans' Affairs to Public Works.

Boisvert of Nashua from Public Works to Military and Veterans' Affairs.

Spollett of Chester to Claims.

Bates of Chichester from Claims.

Gauthier of Manchester from Municipal and County Government to Claims.

Sheehy of Newfields from Claims to Municipal and County Government.

Nalette of Manchester from Resources, Recreation and Development to Aviation.

Ainley of Manchester from Insurance to Resources, Recreation and Development.

Taft of Greenville to Vice-Chairman of Claims.

REPORT OF INTERIM COMMISSION ON WARD LINES for the City of Manchester

The Commission presents herewith its report on Ward lines and polling places pursuant to Chapter 438 of the Laws of 1957.

Members of the Commission who have been concerned with this inquiry are the following:

Emile Simard, Alderman, Ward 8.

George W. Smith, Alderman, Ward 5.

John F. McGranahan, Alderman, Ward 6.

Norman A. Packard, Senator, No. 18.

Paul E. Provost, Senator, No. 18.

Michael J. Quinn, City Clerk, City of Manchester.

J. Leo Dery, Manchester, N. H.

John Pillsbury, Representative.

Origene Lesmerises, Representative.

Edward W. Morris, Representative.

John W. King, Representative.

The Background

The Interim Commission which was appointed for the purpose of redistricting ward lines, allocating polling places and, if necessary, recommending additional wards for the City of Manchester was not created as a result of any widespread demand for such changes by the public. Rather was it the result of efforts to create a new ward in the easterly section of the City of Manchester.

The Work of the Commission

The Interim Commission conducted several meetings in which city officials, aldermen, selectmen, ward clerks and other

interested groups were invited to attend. Public meetings were also held and adequate notice of such public meetings was given in the newspaper and on the radio. Except for those actively engaged in politics the attendance at the public meetings was of note, principally because of the very few citizens or organizations who appeared to express interest in the work of the Commission. No partisan position on any of the problems of ward lines or polling places or new wards was taken by either of the major political parties. The general public was apathetic to the subject of ward lines and polling places. The officials and politicians who appeared generally preferred to retain the status quo.

The Need for Redistricting

In addressing itself to the need for redistricting ward lines the Commission was impressed by the changes in the number of persons on the checklist in Manchester by wards through the years 1941 to 1957. The outstanding increase during these years was in Ward 8 from 3001 persons in 1941 to 4841 voters in 1957 or an increase of 1840. The greatest decrease during these years took place in Ward 9 from 1774 voters in 1941 to 1240 voters in 1957.

A detailed statement of the number of persons on the checklist in Manchester, N. H., by wards for the years 1941-1957 appears on Schedule 1 which is attached to and made a part of this report.

Factors which may have an important bearing on ward lines in Ward 5 will be the Pearl Street Redevelopment Project and the proposed Spruce Street Project. Wards 3, 4 and 7 appear to be stabilized and no increase in voters appears likely in those wards. The Circumferential Expressway may have an effect on Wards 6 and 8 and those wards bordering on the outer sections of the city. None of these influences can be properly evaluated at the present time.

The Opinion of the Commission

The opinion of various members of the Interim Commission on each ward was as follows:

WARD 1. The majority favored no change. Some opinion was to confine the western boundary of Ward 1 to the Merrimack River and to place that part of Ward 1 on the West side

of the Merrimack River in Ward 13. Other opinions suggested annexing part of Ward 1 to Ward 9.

WARD 2. It was suggested that the westerly boundary of Ward 2 be Pine Street and that west of Pine Street to Elm Street be placed in Ward 9. It was also suggested that an additional polling place be made of the Smyth School principally because of the availability of parking and its convenience for older voters. It was also recommended that the Straw School voting place be moved to a more central location in the ward.

WARD 3. It was recommended that Pine Street be the westerly boundary of Ward 3.

WARD 4. No recommendations.

WARD 5. It was proposed that Ward 9 become part of Ward 5.

WARD 6. This with Ward 9 was the ward in which most proposals were made. Among other proposals it was suggested that a new ward be composed of Ward 6, part of Ward 8 and part of Ward 2.

WARD 7. It was suggested that Ward 5 be extended easterly to Beech Street as far north as Merrimack Street.

WARD 8. Take part of Ward 8 for new ward.

WARD 9. This ward brought forth the greatest number of proposals. Principally these were as follows:

- (a) Eliminate the ward.
- (b) Make Ward 9 part of Ward 5.
- (c) Extend westerly boundary of Ward 9.
- (d) Include parts of Ward 2 and Ward 3 in Ward 9.

WARD 10. No change proposed.

WARD 11. No change proposed.

WARD 12. No change proposed.

WARD 13. No change proposed.

Summary of Commission Findings and Recommendations

1. The present ward lines of the City of Manchester may be in need of redistricting to provide a more equal number of voters in each ward list.

2. Any additional polling places should be provided at the discretion of the Board of Mayor and Aldermen.

3. That insofar as redistricting ward lines the Board of Mayor and Aldermen should propose specific changes to the Manchester Delegation to the State Legislature.

4. Presently, no new ward should be created. The expense, duplication and problems made by the establishment of a new ward outweighs the advantages of such a new political subdivision.

5. That the Selectmen in each ward make specific proposals to the board of Mayor and Aldermen so that the city government may provide adequate parking facilities at polling places. The Selectmen should also recommend the need for additional polling places in their respective wards.

Respectfully submitted,

JOHN W. KING,

Chairman

EDWARD W. MORRIS

JOHN PILLSBURY

J. LEO DERY

NORMAN E. PACKARD

PAUL E. PROVOST

SCHEDULE 1.

The following are the number of persons on the Checklist in Manchester, N. H. by Wards for
Years 1941-1957

	1941	1942	1943	1944	1945	1946	1947	1948	1949
Ward 1	2405	2432	2443	2902	2783	2801	2713	3050	2918
Ward 2	3559	3351	3457	3941	3847	3943	3908	4410	4128
Ward 3	3330	3353	3197	3501	3451	3500	3458	3814	3553
Ward 4	2800	2779	2650	2976	2904	2955	2938	3230	3016
Ward 5	3044	2958	2788	2973	2816	2588	3232	3582	3395
Ward 6	4049	4042	3999	4356	4262	4315	4304	4733	4521
Ward 7	3017	2911	2889	3193	3059	3151	3145	3405	3270
Ward 8	3001	3171	3067	3322	3279	3327	3314	3700	3654
Ward 9	1774	1749	1665	1838	1777	1785	1725	1795	1651
Ward 10	2523	2582	2490	2605	2723	2734	2726	3060	2935
Ward 11	2517	2497	2396	2461	2543	2555	2590	2679	2675
Ward 12	2488	2558	2420	2545	2496	2621	2560	2793	2671
Ward 13	3141	3265	3208	3485	3311	3385	3334	3617	3407
Ward 14	1933	1999	1949	2149	2081	2099	2096	2417	2257
TOTALS	39581	39647	38618	42247	41332	41759	42043	46285	44051

	1950	1951	1952	1953	1954	1955	1956	1957
Ward 1	2933	3026	3551	3470	3586	3667	4156	4138
Ward 2	4160	4154	4614	4438	4351	4259	4603	4427
Ward 3	3509	3448	3662	3558	3492	3340	3404	3269
Ward 4	2994	2884	3238	3073	2936	2880	3045	2822
Ward 5	3239	3042	3134	2877	2663	2463	2493	2253
Ward 6	4481	4393	4885	4793	4809	4701	4961	4840
Ward 7	3135	3219	3447	3349	3296	3196	3319	3207
Ward 8	3819	3885	4296	4256	4273	4367	4800	4841
Ward 9	1629	1506	1568	1438	1383	1317	1326	1240
Ward 10	3023	3032	3354	3318	3360	3349	3534	3488
Ward 11	2557	2499	2652	2520	2443	2310	2331	2202
Ward 12	2602	2523	2737	2591	2559	2439	2556	2395
Ward 13	3578	3541	3849	3717	3715	3623	3777	3732
Ward 14	2376	2470	2802	3025	3023	3062	3286	3297
TOTALS	44035	43622	47789	46423	45892	44973	47591	46151

The report was accepted.

Announcements

Drafting Service

The drafting service of the Attorney General's Office advises that copies of bills will be sent to the sponsors when ready. It will assist the service if sponsors will immediately advise whether or not the draft of the bill is approved.

Legislative Reference Service

Mr. Philip Hazelton, Legislative Reference Service, New Hampshire State Library will be at his desk near the entrance to the Senate from 10:00 to 11:00 o'clock each legislative day. He will be glad to receive requests for information and library reference material.

Laconia Delegation Organization

Mr. O'Shan of Laconia announced a meeting of the Laconia Delegation for organization in section 5 immediately after adjournment today.

Mr. O'Shan of Laconia, Chairman and Mr. Harkins of Laconia, Clerk.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 37, An Act relating to nonsupport.

House Bill No. 69, An Act legalizing the biennial election of 1958 in the town of Cornish.

House Bill No. 2, An Act relative to barbering schools and barbering instructors.

House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill.

House Bill No. 49, An Act to change the classification of the Crotched Mountain road in Greenfield.

House Bill No. 47, An Act relative to distribution by the state of sums paid by the Commonwealth of Massachusetts on account of Merrimack River Flood Control Compact.

On motion of Mrs. Long of Kingston the House adjourned at 11:53 o'clock.

WEDNESDAY, FEBRUARY 4, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal God, on this day following the 148th birthday of Horace Greeley, who was born in Amherst, and who became one of the most forthright and courageous of American journalists, we would renew our determination, each one, to speak the truth as we understand it. Let neither the fear of men nor the love of self-satisfactions deter us from the free expression of honest conviction, and may our actions always be in praise of Thee, Thou who art the Light of the world. Amen.

Salute to the Flag

Mr. Roberts of Conway led the Convention in the salute to the Flag.

Leaves of Absence

Messrs. Hackler of Swanzey, McCullough of Keene, Snow of Gilmanton and Burbank of Laconia were granted leaves of absence for the day on account of inclement weather.

Mr. Downing of Newport was granted leave of absence from February 4 to February 12 on account of sickness in the family.

Mr. Bouvier of Swanzey was granted leave of absence for the day to attend a funeral.

Mr. Hayward of Milford was granted leave of absence for the day on account of important business.

Mr. Smith of Exeter was granted leave of absence for the day on account of illness.

Introduction of Bills

The following bills and House Joint Resolution were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Walsh of Manchester, House Bill No. 179, An Act relating to compensation of jurors. To the Committee on Judiciary.

By Mr. Bevan of Durham, House Bill No. 180, An Act relative to hawks and owls and the taking of protected birds. To the Committee on Fish and Game.

By Mr. Pickett of Keene, House Bill No. 181, An Act relative to the sale of liquor or beverage to a minor. To the Committee on Liquor Laws.

By Mr. Robinson of Concord, House Bill No. 182, An Act relative to the sale of the Concord Armory. To the Committee on Executive Departments and Administration.

By Mr. Cilley of Concord, House Bill No. 183, An Act relating to reaching bank accounts by trustee process. To the Committee on Judiciary.

By Mr. Gauthier of Manchester, House Bill No. 184, An Act relative to off-sale permits for Restaurants. To the Committee on Liquor Laws.

By Mr. Angus of Claremont, House Bill No. 185, An Act authorizing the licensing of dog races on which the pari-mutuel system of betting shall be permitted. To the Committee on Ways and Means.

By Mr. King of Manchester, House Bill No. 186, An Act making uniform the laws governing fraternal benefit societies. To the Committee on Judiciary.

By Mrs. Prescott of Brentwood, House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture. To the Committee on Executive Departments and Administration.

By Mr. Charland of Franklin, House Bill No. 188, An Act relative to the board of education of the city of Franklin. To the Franklin Delegation.

By Mr. Hanson of Bow, House Bill No. 189, An Act relative to municipal budget law. To the Committee on Municipal and County Government.

By Mrs. Davis of Woodstock, House Bill No. 190, An Act relative to reimbursement to the town for loss of tax on forest reserve lands. To the Committee on Municipal and County Government.

By Mr. Kelley of Littleton, House Bill No. 191, An Act relating to the classification of Ammonoosuc River its tributaries. To the Committee on Resources, Recreation and Development.

By Mr. Batchelder of Deerfield, House Bill No. 192, An Act relating to appropriations for the University of New Hampshire. To the Committee on Appropriations.

By Mr. Green of Manchester, House Bill No. 193, An Act relative to the salary of the Hillsborough county attorney. To the Hillsborough Delegation.

By Mr. Brown of Strafford, House Bill No. 194, An Act relative to personnel at the state department of health laboratory. To the Committee on Public Health.

By Mr. Merrifield of Sunapee, House Bill No. 195, An Act relative to searches for lost persons and drowning victims by the fish and game department. To the Committee on Fish and Game.

By Mr. Terry of Westmoreland, House Bill No. 196, An Act relative to minimum wages paid to county employees. To the Committee on Municipal and County Government.

By Mrs. Prescott of Brentwood, House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens. To the Committee on Fish and Game.

By Mr. Breck of Wentworth, House Bill No. 198, An Act relative to open season for taking fur-bearing animals in Carroll and Grafton counties. To the Committee on Fish and Game.

By Mr. Felch of Seabrook, House Bill No. 199, An Act to establish time and one half for overtime work performed by trade classifications employees in the department of public works and highways. To the Committee on Executive Departments and Administration.

By Mr. King of Manchester, House Bill No. 200, An Act relative to state aid for nursing education. To the Committee on Judiciary.

By Mr. Rollins of Alton, House Bill No. 201, An Act to allow the state to take advantage of federal benefits to education under the national defense education act of 1958. To the Committee on Education.

By Mrs. Berry of Barrington, House Bill No. 202, An Act relative to the definition of average final compensation in the New Hampshire teachers' retirement system. To the Committee on Education.

By Mr. Hart of Manchester, House Bill No. 203, An Act eliminating manufacturers' raw materials from the stock in trade tax. To the Committee on Ways and Means.

By Mr. Sabluski of Nashua, House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand. To the Committee on Claims.

Reports of Standing Committees

Miss Loizeaux of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury, Mr. Rowell of Newport and Mr. Bell of Plymouth explained the bill.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 60, An Act relative to lobbyists, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Maloomian of Somersworth moved that House Bill No. 60 be made a Special Order of Business for Tuesday next at 11:01 o'clock.

Mr. Maloomian of Somersworth spoke in favor of the motion.

Mr. McMeekin of Haverhill spoke against the motion.

Mr. Lafond of Manchester spoke against the motion.

Mr. Maloomian of Somersworth spoke a second time in favor of the motion.

Mr. Gilman of Farmington and Mrs. Palmer of Plaistow spoke against the motion.

The question being, shall House Bill No. 60 be made a Special Order for Tuesday next.

On a *viva voce* vote the motion did not prevail.

The question now being on the resolution of the committee that the bill is inexpedient to legislate.

Mr. Maloomian of Somersworth demanded a division vote.

On a division vote the count being manifestly in the affirmative the resolution of the committee was adopted.

Mr. Turner of Gilsum, for the Committee on Municipal and County Government, to whom was referred House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of Sanbornton, having considered the same, reported the same with the recommendation that the bill ought to pass:

At the request of Mr. Kearns of Manchester, Mr. Deans of Milford explained the bill.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Peaslee of Concord, for the Committee on Municipal and County Government, to whom was referred House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred House Bill No. 123, An Act authorizing the Salem district to exceed its debt limit and incur indebtedness not to exceed eight hundred fifty-five thousand dollars, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Littlehale of Durham, for the Committee on Municipal and County Government, to whom was referred House Bill No. 129, An Act legalizing the annual town meeting held in the town of Colebrook on March 11, 1958, having considered

the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Keefe of Portsmouth, for the Special Committee consisting of the members from the city of Portsmouth, to whom was referred House Bill No. 19, An Act relative to the charter of the city of Portsmouth, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Miss White of Portsmouth, for the Special Committee consisting of the members from the city of Portsmouth to whom was referred House Bill No. 34, An Act increasing the salary of the justice of the Portsmouth municipal court, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate had passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 7, An Act relative to use of fees and fines by the state dental board.

Senate Bill No. 7 was read a first and second time and referred to the Committee on Public Health.

The Senate message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 13, An Act relative to giving security in court proceedings.

Resolutions

Mr. Coutermarsh of Lebanon introduced the following Resolutions:

Whereas, Lebanon only a year ago became New Hampshire's eleventh city, and

Whereas, That city recently received national recognition and was awarded the runner-up position as one of the All

American Cities in a national contest sponsored by the National Municipal League and by Look Magazine, therefore be it

Resolved, That we, the members of this House of Representatives do hereby pay homage and extend our congratulations to the city of Lebanon, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mayor Donald Tabor of Lebanon.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Terry of Westmoreland offered the following Resolution:

Resolved, That the speaker of the House be instructed to appoint a committee of five members to investigate the cost, by purchase or lease, of electronic roll call equipment. Said committee shall prior to the end of the 1959 session report to the House its findings and submit its recommendations, relative to such matter.

Mr. Terry of Westmoreland and Mr. Pickett of Keene spoke in favor of the Resolution.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members of such committee the following:

Mr. Terry of Westmoreland
Mr. Clement of Rochester
Mr. Gay of Derry
Mr. King of Manchester
Mr. Pickett of Keene

Mrs. Christianson of Berlin, for the Berlin Delegation, offered the following Resolutions:

Whereas, Frank H. Sheridan, Representative from Berlin, is ill in St. Louis Hospital in Berlin, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby express our sympathy to our Fellow Member in his illness and our best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Sheridan a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

At the suggestion of Mr. Pillsbury of Manchester, the

Speaker extended congratulations on the birthday of Mr. Oakes of Columbia.

Announcements

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

The following bills were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations.

House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit.

House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of Sanbornton.

House Bill No. 123, An Act authorizing the Salem school district to exceed its debt limit and incur indebtedness not to exceed eight hundred fifty-five thousand dollars.

House Bill No. 129, An Act legalizing the annual town meeting held in the town of Colebrook on March 11, 1958.

House Bill No. 19, An Act relative to the charter of the city of Portsmouth.

House Bill No. 34, An Act increasing the salary of the justice of the Portsmouth municipal court.

Mr. Pickett of Keene spoke against members leaving the House before Third Readings and advised the members that it is very important that they stay until final adjournment.

On motion of Mrs. Palmer of Plaistow the House adjourned at 12:06 o'clock.

THURSDAY, FEBRUARY 5, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Creative Spirit, so incline us unto Thee, we pray, that our lives and our work may be productive and in the interest of the greatest good.

Place this challenge as a mantle on our Governor, his Council and the members of the General Court that in all transactions, deliberations, hearings and votes there may be evident a genuine service of the people of our State. Amen.

Salute to the Flag

Mr. Emerson of Dalton led the Convention in the salute to the flag.

House

Leaves of Absence

Mr. Peever of Salem was granted a leave of absence for the day on account of important business.

Mr. Jones of Fremont was granted a leave of absence for the day to attend a funeral.

Mr. Perry of Newbury was granted a leave of absence for the day on account of illness.

Introduction of Bills

The following bills and House Joint Resolution were severally read a first and second time, laid upon the table for printing, and referred as follows:

By Mr. Pappagianis of Nashua, House Bill No. 204, An Act to authorize defendant to seek summary procedure for judgment in actions of contract to which there is no defense. To the Committee on Judiciary.

By Mr. Hart of Manchester, House Bill No. 205, An Act relating to the joinder of certain parties in court actions. To the Committee on Judiciary.

By Mr. Hart of Manchester, House Bill No. 206, An Act relating to contributory negligence as a defense in motor vehicle accidents. To the Committee on Judiciary.

By Mr. Goode of Manchester, House Bill No. 207, An Act relating to the operation of motor busses. To the Committee on Transportation.

By Mr. Aucella of Bennington, House Bill No. 208, An Act relating to medical payment provisions in motor vehicle liability policies. To the Committee on Insurance.

By Mr. Pappagianis of Nashua, House Bill No. 209, An Act relative to the budget powers of the board of Aldermen of the City of Nashua. To the Nashua Delegation.

By Mr. Bouchard of Berlin, House Bill No. 210, An Act relative to the sale of bottled liquor. To the Committee on Liquor Laws.

By Mr. Pappagianis of Nashua, House Bill No. 211, An Act relative to the board of Aldermen of the City of Nashua. To the Nashua Delegation.

By Mr. Woodman of Concord, House Bill No. 212, An Act relating to the competency of notaries. To the Committee on Executive Departments and Administration.

By Mr. Newell of Concord, House Bill No. 213, An Act relating to investments of savings banks. To the Committee on Banks.

By Mr. Woodman of Concord, House Bill No. 214, An Act relating to statements of account between banks and depositors. To the Committee on Banks.

By Mr. Newell of Concord, House Bill No. 215, An Act relating to statements of cashiers of national banks. To the Committee on Banks.

By Mr. Comi of Concord, House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macy. To the Committee on Appropriations.

On motion of Mr. Deans of Milford the order whereby House Bill No. 190, An Act relative to reimbursement to the town for loss of tax on forest reserve lands, was referred to the Committee on Municipal and County Government was vacated and House Bill No. 190 was referred to the Committee on Resources, Recreation and Development.

Reports from Standing Committees

Mr. Junkins of Hampton, for the Committee on Elections to whom was referred the resignation of Guy A. Swenson of

Concord, ward 4, having considered the same, report the same with the recommendation that the resignation be accepted.

At the request of Mrs. Davis of Concord, Mr. Junkins explained the report of the committee.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administrations to whom was referred House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees, having considered the same, report the same with the recommendation that the bill ought to pass.

At the request of Mr. Deans of Milford, Mr. McMeekin of Haverhill explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 9, An Act authorizing refund from motor vehicle road toll for state owned motor vehicles, having considered the same, report the same with the following Resolution.

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was accepted.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 42, An Act relative to fill in great ponds and purchase of sand or gravel from the bed of public waters, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 4:40-a as inserted by section 2 of the bill by inserting after the word "board" in the second line the words, after consultation with the Fish and Game Commission and such other state agencies as may be involved, so that said section as amended shall read as follows:

4:40-a *Grant of Right.* The governor and council, upon petition and upon recommendation of the water resources board after consultation with the fish and game commission and such other state agencies as may be involved, may, for such consideration as they deem just, convey sand and

gravel which is on the bed of any navigable water or great pond, in accordance with the provisions of this subdivision. For the purpose hereof great pond is defined as a public water of more than ten acres.

The Clerk read the amendment.

At the request of Mr. King of Manchester, Mr. Monahan of Hanover explained the bill.

(discussion ensued)

The question is on the adoption of the amendment offered by the committee.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Fortier of Berlin, for the Special Committee consisting of the members from the city of Berlin to whom was referred House Bill No. 85, An Act relative to a vacancy in the office of mayor of the city of Berlin, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 12-a as inserted by section 2 of the bill by striking out the word "shall" in the ninth line and inserting in place thereof the word, may, so that said section as amended shall read as follows:

Sect. 12-a. In case of the temporary absence of the mayor or in the event of a vacancy in the office of mayor due to death, resignation or removal from the city occurring within six months of the next biennial election, the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his temporary absence or disability or during such vacancy. If a vacancy in the office of mayor shall occur at a time more than six months prior to the next biennial election, the council may order a special election to fill such vacancy for the unexpired term.

The clerk read the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Gordon of Jaffrey, for the Committee on Ways and Means to whom was referred House Bill No. 53, An Act providing for the assessment and collection of a special head tax for state purposes, having considered the same, report the

same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 16 the following new section: 17. *Refund of Tax Paid*. If it shall appear that a person has paid a head tax for which he was not liable and said tax has been paid to the state treasurer by the town or city where it was collected, the state treasurer, after investigation by the tax commission, upon order of the tax commission, shall pay to the person who paid the tax the amount of the tax paid, provided application therefor is made to the tax commission on or before June thirtieth in the year next following the date of assessment.

Further amend said bill by renumbering section 17 to read section 18.

The Clerk read the amendment in full.

The undersigned, a minority of the Committee on Ways and Means to whom was referred House Bill No. 53, An Act providing for the assessment and collection of a special head tax for state purposes, having considered the same and being unable to agree with the majority, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

ALBERT W. DION
EDWARD W. MORRIS
J. F. MALLEY
FRANK C. SABLUSKI
JOHN KEARNS
DENIS F. CASEY

For the Committee.

Mr. Kearns of Manchester moved that the minority report "inexpedient to legislate" be substituted for the majority report "ought to pass with amendment".

Messrs. Kearns of Manchester, Malley of Somersworth, Pickett of Keene and King of Manchester spoke in favor of the motion.

Messrs. Chandler of Bartlett, Gilman of Farmington, Clement of Rochester, Pillsbury of Manchester, Geisel of Manchester and Mrs. Gordon of Jaffrey spoke against the motion.

The question now being on the motion to substitute the

minority report "inexpedient to legislate" for the majority report "ought to pass with amendment".

Mr. King of Manchester demanded the yeas and nays.

At the request of Mr. Malley of Somersworth the Speaker explained the parliamentary procedure.

The roll was called with the following results:

Yeas, 112

HILLSBOROUGH COUNTY: Farwell, Gallagher, Gamache, Hart of Manchester, Martel of Manchester, ward 3, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, ward 6, O'Connor, LaFrance, LeClerc, Tessier, Champagne, Compagna, Delisle, Lavoie, Pelissier, Cary, Morris, Belanger, Bergeron, Kearns, King, Hurley, Noel, Levasseur, Martel of Manchester, ward 12, Maston, Nalette, Daniel, DeGrace, Rousseau, Crowley, Vachon, Belcourt, Trombly, Brosnahan, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Ryan, Bissonette, Bouley, Grandmaison, Sabluski, Bouthillier.

CHESHIRE COUNTY: Keating, Pickett.

SULLIVAN COUNTY: Gaffney, Burrows, D'Amante, Desnoyer, Philbrick of Springfield.

GRAFTON COUNTY: Bucklin, Neale, Coutermarsh, Birch, Barney.

COOS COUNTY: Dussault, Fortier, Desilets, Bouchard, Gagnon, Lacasse of Berlin, Bushey, Styles, Stinson.

ROCKINGHAM COUNTY: Blair, Palmer of Kensington, LaBranche, Twardus, Dondero, Foote, Murch, Ingraham.

STRAFFORD COUNTY: Desjardins, Grimes, Watson, Lacasse of Rochester, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley.

BELKNAP COUNTY: Lord, Harkins, Normandin, O'Shan, Pickering of Meredith.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Guilbeault, Phelps, Moore, LaFlamme, Dowd, Gilman of Franklin, Charland, Lafond of Hooksett, Burleigh, Plourde, Thibeault of Pembroke.

Nays, 255

HILLSBOROUGH COUNTY: Edwards, Wiggin of Bedford, Aucella, Herrick, Vadney, Branch, Hambleton, Nickerson of Goffstown, Poore, Taft, Crosby, Goodwin, Daneault, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Lafond of Manchester, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cole, Cooper, Underhill, Thibault of Nashua, Chartrain, Locke, Thompson of New Ipswich, Hodgman, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Turner, Stearns, Gordon of Jaffrey, Spofford, Haley, Terrill, McCullough, Wheeler, Bennett, Brown of Keene, Faulkner, Oliver, Forbes, Allen, Bouvier, Hackler, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Angus, Nahil, Phillips, Davis of Cornish, Marx, Wirkkala, Bailey, Brown of Newport, Rowell, Spalding, Merrifield, DeLude.

GRAFTON COUNTY: Eastman of Ashland, Gilbert, Stevenson, Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Larty, McMeekin, Chamberlain of Holderness, Clement of Landaff, Beard, Guay of Lebanon, Porter, Whipple, Armstrong of Littleton, Burrill, Kelley, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Perrault, Brungot, Christiansen, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Kimball of Jefferson, Swett, Potter, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Bisbee, Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard, Jenkins, Sheehy, Cheney, Carter, Pinkham, Palmer of Plaistow, Keefe, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, ward 4, White of Portsmouth, ward 5, Carkin, Cross, Langford, Philbrick of Rye, Roulston, Willis, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Bevan, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson, Snow, Hart of Laconia, Lacaille, Ayre of Laconia, Karagianis, Prescott of Laconia, Burbank, MacIsaac, Varrell, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Duchano, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Flynn, Hanson, Bates, Davis of Concord, Henry, Woodman, Lessels, Robinson of Concord, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Maxham, Newell, Chase of Concord, Comi, Rufo, Carr, Boomhower, Thompson of Franklin, Leonard, Carpenter, Mulaire, Nelson, Presby, London, Ayer of Pittsfield, McGrath, Hunt, Bigelow, Stone, Thompson of Wilmot.

The roll having been called, 112 members having voted in the affirmative and 255 members in the negative, the motion to substitute the report of the minority "inexpedient to legislate" did not prevail.

The question now being on the amendment as offered by the committee.

On a *viva voce* vote the amendment was adopted.

Mr. Lacasse of Berlin offered the following amendment:

Amend the bill by adding at the end of section 1, the words and figures, for 1959, over twenty-one and under sixty-five years of age for 1960, so that said section as amended reads as follows:

1. *Special Head Tax.* There is hereby levied and assessed in 1959 and 1960 for the use of the state a special head tax of five dollars upon each and every resident of the state, as defined herein, over twenty-one and under seventy years of age

for 1959, over twenty-one and under sixty-five years of age for 1960.

The Clerk read the amendment in full.

Mr. Lacasse of Berlin spoke in favor of the amendment.

(discussion ensued)

Messrs. Gilman of Farmington, Chandler of Bartlett, Rowell of Newport and Leighton of Dover spoke against the amendment.

Messrs. Nickerson of Goffstown, Lafond of Manchester, Pickett of Keene and Mrs. Brungot of Berlin spoke in favor of the amendment,

Mr. Lacasse of Berlin spoke in favor of the amendment the second time.

The question now being on the adoption of the amendment.

Mr. Kearns of Manchester requested a division vote.

A division vote being had, 154 members voting in the affirmative and 198 members voting in the negative, the amendment was not adopted.

Mr. Desilets of Berlin demanded the Yeas and Nays and subsequently withdrew his request.

Mr. Pickett of Keene demanded the Yeas and Nays.

The roll was called with the following result:

Yeas, 165

CHESHIRE COUNTY: Keating, Terrill, Brown of Keene, Pickett, Oliver, Forbes, Bouvier, Congdon.

SULLIVAN COUNTY: Gaffney, Angus, Nahil, Burrows, Desnoyer, Philbrick of Springfield.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Willey, Neale, Chamberlain of Holderness, Coutermarsh, Guay of Lebanon, Birch, Barney, Bradley of Thornton, Breck.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Brungot, Christiansen, Bouchard, Gagnon, Lacasse of Berlin, Crockett, Graham of Gorham, Bushey, Styles, Emery, Stinson.

ROCKINGHAM COUNTY: Persson, Spollett of Chester, Batchelder, Blair, Palmer of Kensington, Sheehy, LaBranche, Twardus, Dondero, Keefe, White of Portsmouth, ward 5, Ingraham, Carkin, Willis, Gordon of Sandown, Felch.

STRAFFORD COUNTY: Berry, DesJardins, Grimes, Flanagan, Watson, LaCasse of Rochester, St. Pierre, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley.

BELKNAP COUNTY: Harkins, Normandin, O'Shan, Varrall, Pickering of Meredith.

CARROLL COUNTY: Stokes, Blanchard, Duchano.

MERRIMACK COUNTY: Guilbeault, Phelps, Moore, La-Flamme, Dowd, Robinson of Concord, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Comi, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Lafond of Hooksett, Presby, Burleigh, Plourde, Thibeault of Pembroke, Stone.

HILLSBOROUGH COUNTY: Farwell, Herrick, Branch, Nickerson of Goffstown, Daneault, Gallagher, Gamache, Hart of Manchester, Martel of Manchester, ward 3, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, ward 6, O'Connor, LaFrance, LeClerc, Tessier, Champagne, Compagna, Delisle, Lavoie, Pelisier, Cary, Morris, Belanger, Bergeron, Kearns, King, Hurley, Noel, Levasseur, Martel of Manchester, ward 12, Maston, Nallete, Daniel, DeGrace, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Sablusi, Bouthillier.

Nays, 203

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Turner, Stearns, Gordon of Jaffrey, Spofford, Haley, McCullough, Wheeler, Bennett, Faulkner, Allen, Hackle, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Phillips, D'amante, Davis of Cornish, Marx, Wirkkala, Bailey, Brown of Newport, Rowell, Spalding, Merrifield, DeLude.

GRAFTON COUNTY: Gilbert, Stevenson, Plumer, Graham of Canaan, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Larty, McMeekin, Clement of Landaff, Beard, Edson, Porter, Whipple, Armstrong of Littleton, Bur-

rill, Kelley, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Davis of Woodstock.

COOS COUNTY: Marsh, Oakes, Emerson, Kimball of Jefferson, Swett, Potter, Converse, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard, Jenkins, Cheney, Carter, Pinkham, Palmer of Plaistow, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, Cross, Langford, Philbrick of Rye, Roulston, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Leighton, Wiggin of Dover, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Bevan, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, Johnson of Rochester, Clement of Rochester, Varney, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson, Lord, Snow, Hart of Laconia, Lacaillade, Ayre of Laconia, Karagianis, Prescott of Laconia, Burbank, MacIsaac, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Chamberlain of Wolfeboro, Claffin.

MERRIMACK COUNTY: Flynn, Hanson, Bates, Davis of Concord, Henry, Lessels, Cilley, Gove, Maxham, Newell, Chase of Concord, Rufo, Carpenter, Mulaire, Nelson, London, Ayer of Pittsfield, McGrath, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Edwards, Wiggins of Bedford, Aucella, Vadney, Hambleton, Poore, Taft, Crosby, Goodwin, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cole, Cooper, Underhill, Locke, Thompson of New Ipswich, Hodgman, Dutton, Rice, Eastman of Weare.

The roll having been called, 165 members voting in the

affirmative and 203 members having voted in the negative, the amendment was not adopted.

Mr. Pillsbury of Manchester offered the following amendment.

Further amend said bill by renumbering section 18 to read section 19 and by inserting a new section 18.

18 No person obtaining an abatement under section 12 of this act shall for that action be precluded from voting under section 1 of chapter 54 RSA.

The Clerk read the amendment in full.

Mr. Pillsbury of Manchester spoke in favor of the amendment.

Mr. Kearns of Manchester asked that the amendment be printed in the Journal before the vote was taken.

(discussion ensued)

The Clerk read the amendment a second time.

Mrs. DeLude of Unity spoke for the amendment.

(discussion ensued)

Mr. Pillsbury of Manchester explained his amendment.

Mr. Pickett of Keene moved the previous question and it was sufficiently seconded.

The question now being on the adoption of the amendment offered by Mr. Pillsbury of Manchester.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Pickett of Keene moved that the rules be so far suspended as to put House Bill No. 53 on third reading and final passage at the present time by title only.

Third Reading

House Bill No. 53, An Act providing for the assessment and collection of a special head tax for state purposes, was read a third time and sent to the Senate for concurrence.

Reconsideration

Mr. Chandler of Bartlett moved that the House reconsider the vote whereby they passed House Bill No. 53.

On a *viva voce* vote the motion did not prevail.

Mrs. DeLude of Unity, for the Committee on Executive Departments, and Administration, to whom was referred Resolution memorializing Congress regarding Soviet made films, having considered the same, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Vachon of Manchester was recognized and yielded the floor to Mr. Kearns of Manchester who moved that the Resolution be made a Special Order for Tuesday, February 10 at 11:01 o'clock.

Parliamentary Inquiry

Mr. McMeekin of Haverhill requested a ruling from the Speaker as to whether the subject matter of the Resolution was debatable under the motion before the House.

And the Chair ruled that the subject matter was debatable insofar as it related to it becoming a Special Order of business on Tuesday next at 11:01 o'clock.

Mrs. Brungot of Berlin and Messrs. Kearns of Manchester, Green of Manchester and Burrell of Littleton spoke in favor of the motion.

Mr. DeLude of Unity and Messrs. McMeekin of Haverhill, Gilman of Farmington, Marx of Langdon, and Kimball of Manchester spoke against the motion.

(discussion ensued)

Mr. Green of Manchester moved that the House adjourn until next Tuesday at 11:00 o'clock.

It was sufficiently seconded by Mr. King of Manchester and others.

Parliamentary Inquiry

Mr. McMeekin of Haverhill requested a ruling from the Speaker as to the time we would adjourn to on Tuesday next.

The Speaker ruled that the House would adjourn from the morning session until next Tuesday at 11:00 o'clock.

On a *viva voce* vote the Chair was in doubt and requested a second voice vote.

The Chair was still in doubt and asked for a division vote.

The division vote being manifestly in the affirmative the House adjourned at 2:06 o'clock from the morning session.

Afternoon Session

Mr. Pickett of Keene was recognized by the Chair and explained that the matters under consideration during the afternoon session were noncontroversial and routine and that if the question of a quorum was raised it could impede the progress of the regular business of the House.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit third reading of bills by title only and when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

The following bills were read a third time, passed and sent to the Senate for concurrence:

House Bill No. 42, An Act relative to fill in great ponds and purchase of sand or gravel from the bed of public waters.

House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees.

House Bill No. 85, An Act relative to a vacancy in the office of mayor of the city of Berlin.

Mr. Malley of Somersworth requested that the bills in the Attorney General's office be printed in next Tuesday's Journal by title, sponsor and subject matter.

Resolutions

Mrs. Ayre of Laconia offered the following Resolution:

Whereas, today, February 5th is the last day for filing bills, therefore be it

Resolved, That the Attorney General's office prepare a list of all bills by title only, accompanied by sponsor's name to be inserted in the Journal of Tuesday, February 10th.

On a *viva voce* vote the resolution was adopted.

On motion of Miss Loizeaux of Plymouth the House adjourned from the afternoon session at 3:26 o'clock.

TUESDAY, FEBRUARY 10, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Reverend Doria P. Desruisseaux of Sainte Therese Church of Manchester.

Almighty God, Maker and Ruler of men, to Whom we can say in all humility on this day, the eve of the Lenten Season, that, "we are dust and unto dust we shall return," fill our hearts, we beseech Thee, with the spirit of penance and prayer that we may proclaim Thy praise and glory, not only with our lips but by the dedication of our lives to our fellowmen of the state of New Hampshire through deeds of love and charity.

May your servants, here present, who hold in their hands the fate of this state be filled with the virtue of justice and integrity so that they may be safe from the corruption that is in the world today because of the lust for power and vain glory.

Grant to these, Thy servants, the grace to be faithful to the duties entrusted them; that they may stand forth as leaders who walk in the paths of righteousness, leaders upon whose shoulders rest the destiny of our state.

Implant into their hearts true Christian love that they may be so conscious of it, that their minds will know that "greater love than this, no man hath."

We ask all this in the name and for the sake of our Lord who went about doing good. To this we add, "Please, O Lord, help these men, here present, to go about doing good." Amen.

Salute to the Flag

Mr. Vachon of Manchester led the Convention in the salute to the flag.

House

Introduction of Guests

The Chair introduced a group of students from Tilton-Northfield High School as guests of Mr. Burleigh of Northfield.

Leaves of Absence

Messrs. Carr of Epsom, Nelson of Contoocook and Merrill of Exeter were granted leaves of absence for the day on account of illness.

Messrs. Drew of Farmington and Rollins of Alton were granted leaves of absence for the day on account of important business.

Mr. Batchelder of Deerfield was granted a leave of absence for the day on account of inclement weather.

Communication

House of Representatives,
Concord, N. H.

GENTLEMEN :

It is with deep regret that I find it necessary, due to medical reasons, to tender my resignation, as Representative, from the town of Lancaster.

I have enjoyed serving in the House in the past and value my many acquaintances there.

Sincerely yours,

ARTHUR SIMONDS,
Representative,
Town of Lancaster, N. H.

This communication was referred to the Committee on Elections.

Reports from Standing Committees

Mr. Perrault of Berlin, for the Committee on Aviation, to whom was referred House Bill No. 55, An Act relative to expenditure of funds for airport construction, having considered the same, reported the same with the recommendation that the bill ought to pass.

The report was accepted and House Bill No. 55 was referred to the Committee on Appropriations under the rules.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Joint Resolution No. 8, Joint Resolution relative to civil defense emergency procedures, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 4, An Act providing for competitive bidding on county

sales of personal property, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 67, An Act relative to open season for taking rabbit, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 35, An Act relating to bail and recognizances and justices of the peace, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new sections:

3 *Municipal Court*. Amend RSA 502 as amended by 1957, 244:1 by inserting after section 50 the following new section: 502:50-a *Certificates, etc.* For other certificates or papers which he is authorized to make or certify the clerk of a municipal court shall receive the same fees as a clerk of the superior court.

4 *Repeal*. RSA 501-A:2, as inserted by 1957, 244:1, relating to fees of clerk of municipal court, is hereby repealed.

5 *Fines and Penalties*. Amend RSA 466:38 by striking out the words "or justice" in the third line so that said section as amended shall read as follows: 466:38 *How Recoverable*. All fines and penalties provided in the preceding sections relating to dogs may be recovered on complaint before a municipal court in the town or county where the offense is committed.

Further amend said bill by renumbering section 3 to read section 6.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Gove of Concord, for the Committee on Judiciary, to

whom was referred House Bill No. 56, An Act relative to witness fees in criminal cases, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "fees" in the fifth and twentieth lines the words, in excess of one hundred dollars; further amend said section by striking out the reference "RSA 516:6" in the eleventh line and inserting in place thereof the reference, RSA 516:16, so that said section as amended shall read as follows:

1 *Fees in Bind Over Proceedings.* Amend RSA 592-A:12 (supp) as inserted by Laws of 1957, 244:8 by adding the words "as provided in RSA 502:14" the following: provided, however, that the county upon written approval thereof by the county attorney shall reimburse the municipal court monthly for all witness fees in excess of one hundred dollars incurred in any criminal case exceeding the jurisdiction of the court to try and in which the hearing is for the purpose of determining probable cause to bind over the respondent to the superior court, so that said section as amended shall read as follows: 592-A:12 *Payment of Witnesses in Criminal Cases.* Any person who testifies as a witness in a municipal or superior court for the state shall be paid the witness fees provided by RSA 516:16. It shall be the duty of the clerk of court before whom such witness shall testify to maintain a register of all persons who have testified as a witness for the state or who are entitled by order of the court to be paid witness fees in each criminal case before that court. From this register the clerk of court shall pay all witness fees monthly to all persons who are entitled to such fees as appears by said register. The payment of such witness fees by the clerk of municipal courts shall be made out of moneys collected by the court as provided in RSA 502:14, provided, however, that the county upon written approval thereof by the county attorney shall reimburse the municipal court monthly for all witness fees in excess of one hundred dollars incurred in any criminal case exceeding the jurisdiction of the court to try and in which the hearing is for the purpose of determining probable cause to bind over the respondent to the superior court. The payment of such witness fees in the superior court shall be a charge against the county.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Collishaw of Exeter, for the Committee on Municipal and County Government, to whom was referred House Bill No. 17, An Act relative to town public officials being barred from certain private dealings, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Barker of Stratham, for the Committee on Municipal and County Government, to whom was referred House Bill No. 63, An Act to establish the Grasmere Village District, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Leonard of Franklin, for the Committee on Municipal and County Government, to whom was referred House Bill No. 81, An Act relative to fees of clerks for recording conditional sales and chattel mortgages, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Ayre of Laconia, for the Committee on Public Works, to whom was referred House Bill No. 76, An Act relative to change in classification for Big Diamond Pond road, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Draper of Wilton, for the Committee on Transportation, to whom was referred House Bill No. 46, An Act relative to registration fee for public bus, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Pillsbury of Manchester, Mr. Terry of Westmoreland explained the resolution of the committee.

Mr. Pillsbury of Manchester spoke in favor of the bill.

Mrs. Brungot of Berlin moved that House Bill No. 46 be recommitted to the Committee on Transportation.

Messrs. Geisel of Manchester, McGee of Lincoln and Brosnahan of Nashua spoke in favor of the motion.

Mr. Geisel of Manchester spoke a second time in favor of the motion.

On a *viva voce* vote the bill was recommitted to the Committee on Transportation.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred Resolution, memorializing Congress regarding Soviet made films, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Vachon of Manchester moved that the words "Ought to Pass with amendment" be substituted for the words "Inexpedient to legislate."

Mr. Vachon read the amendment in full and spoke in favor of the motion.

Mr. Marx of Langdon and Mr. McMeekin of Haverhill spoke in favor of the motion.

Mrs. Brungot of Berlin spoke against the amendment and for the resolution.

Mr. Hart of Laconia moved the Previous Question and it was sufficiently seconded.

On a *viva voce* vote the main question was ordered.

The question being on the motion to substitute the words "Ought to Pass with amendment" for the words "Inexpedient to legislate."

Mr. Vachon of Manchester asked for a division vote.

Parliamentary Inquiry

On a parliamentary inquiry from Mrs. Brungot of Berlin, the Speaker ordered the Clerk to read the amendment in full.

Whereas the United States State Department has been primarily responsible for the United States entering into a pact with the United Soviet Socialist Republics, providing for cultural exchanges, including the exchange of commercial motion pictures between the two countries to be shown in commercial theatres, and

Whereas the Soviet films may contain clever, subtle Red Russian propaganda, now therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, go on record as denouncing the showing of any Soviet film which contains propaganda either directly or hidden, and be it further

Resolved, That we respectfully request the screening or selection board set up by said pact to take cognizance of the possibility of such propaganda and refuse to accept any film which may contain such propaganda, and be it further

Resolved, That copies of these resolutions be transmitted to our Representatives in the Congress of the United States.

A division vote being had, 260 members having voted in the affirmative and 29 members having voted in the negative, the motion to substitute prevailed.

Reconsideration

Mr. Green of Manchester moved that the House reconsider its vote whereby it passed the Resolution on Soviet made films.

On a *viva voce* vote the motion did not prevail.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 52, An Act providing for the reapportionment of representatives in certain towns for the 1961 session of the General Court, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Hunt of Salisbury moved that the words "be referred to an Interim Committee to be appointed by the Speaker" be substituted for the words "Inexpedient to Legislate".

Mr. Hunt of Salisbury spoke in favor of the motion.

Mr. McMeekin of Haverhill spoke in favor of the motion and offered the following amendment:

That the words "and study the apportionment as required by Articles 7 and 11 of Part 2 of the Constitution, and report to the 1961 session" be added to the words, "be referred to an Interim Committee to be appointed by the Speaker".

(discussion ensued)

Mr. Pickett of Keene moved that House Bill No. 52 be recommitted to the Committee on Executive Departments and Administration.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Kimball of Manchester spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke a second time in favor of the motion.

Mr. Hunt of Salisbury withdrew his motion to substitute. The question now being on the motion to recommit.

Mr. McMeekin of Haverhill spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the bill was recommitted to the Committee on Executive Departments and Administration.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

SB No. 6, An Act relative to information required on local tax bills.

SB No. 24, An Act relative to the destruction of records of the teachers' retirement system.

SB No. 21, An Act repealing the powers of justices of the peace as they relate to the removal of encumbrances on highways.

Introduction of Senate Bills

The following Senate bills were severally read a first and second time and referred as follows:

Senate Bill No. 6, An Act relative to information required on local tax bills, to the committee on Executive Departments and Administration.

Senate Bill No. 24, An Act relative to the destruction of records of the teachers' retirement system, to the committee on Executive Departments and Administration.

Senate Bill No. 21, An Act repealing the powers of justices of the peace as they relate to the removal of encumbrances on highways, to the committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in

the passage of the following entitled bill and captioned joint resolution sent up from the House of Representatives:

House Bill No. 19, An Act relative to the charter of the city of Portsmouth.

House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube.

Report of Engrossed Bills Committee

Mr. Lacasse of Berlin, for the Committee on Engrossed Bills, reported that they have examined and found correctly engrossed the following entitled House bill and House joint resolution:

House Bill No. 13, An Act relative to giving security in court proceedings.

House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube.

Report of Interim Committee

Honorable Stewart Lamprey,
Speaker of the House
Concord, New Hampshire

DEAR MR. SPEAKER:

The Interim Committee appointed last session to study the feasibility of establishing a zoo at Mt. Sunapee State Park offers the following report:

It would seem feasible to the committee at this time to start with a small display of wild animals at Mt. Sunapee State Park. It had been hoped that a larger display might have been arranged but due to the austerity program of the administration in holding the line, we feel that a small display at this time will be more in conformity with this policy.

Legislation will be introduced to cover this display.

EDWARD J. WALSH,

Chairman

HILBERT R. SIEGLER,

WILLIAM A. STOCKER,

RANDOLPH H. MILLIGAN,

ROBERT SULLIVAN.

The report was accepted.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that bills be read by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time and sent to the Senate for concurrence:

House Bill No. 35, An Act relating to bail and recognizances and justices of the peace.

House Bill No. 56, An Act relative to witness fees in criminal cases.

Senate Bill No. 4, An Act providing for competitive bidding on county sales of personal property, was read a third time and sent to the Secretary of State to be engrossed.

On motion of Mrs. White of Portsmouth the House adjourned at 1:10 P. M.

WEDNESDAY, FEBRUARY 11, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

God of our fathers, of all men, and of generations yet to be, we pause to renew within ourselves our devotion to Thee, and our desire to direct our ways harmoniously with Thy purposes.

Today, many of us enter a Lenten period of special commemoration and commitment, as the teachings of Jesus of Nazareth are brought to bear on our lives with renewed vigor by our institutions of religion.

May the Lenten Season be to all folk of the Christian tradition a time of greater fulfillment of their religious values, and may Christian and non-Christian people rejoice together that though the paths to the Eternal may be many, Thou art Companion and Guide to all men. Amen.

Salute to the Flag

Mr. Keefe of Portsmouth led the Convention in the salute to the Flag.

House

Leaves of Absence

Messrs. Wheeler, Keating and McCullough of Keene were granted leaves of absence for the day on account of inclement weather.

Messrs. Blair of Epping and Woodman of Concord were granted leaves of absence for the day on account of important business.

Mr. Snow of Gilmanton was granted leave of absence for Wednesday and Thursday on account of important business.

Mr. Nelson of Hopkinton was granted leave of absence for the day on account of illness.

Introduction of Bills

The following bills and House Joint Resolutions were severally introduced, read a first and second time and referred as follows:

By Mr. Bradley of Thornton, House Bill No. 216, An Act requiring affidavits to be filed before names are added to a check-list. To the Committee on Judiciary.

By Mr. Comi of Concord, House Bill No. 217, An Act relative to neglected and delinquent children. To the Committee on Judiciary.

By Mr. Nelson of Hopkinton, House Bill No. 218, An Act granting zoning authority to Contoocook Fire Precinct and Hopkinton Village Precinct. To the Committee on Municipal and County Government.

By Mr. Bradley of Hanover, House Bill No. 219, An Act providing for a special committee to be known as the governor's committee on higher education in the state. To the Committee on Education.

By Mr. Sanborn of Enfield, House Bill No. 220, An Act providing for open season for taking fisher. To the Committee on Fish and Game.

By Mr. Emery of Stark, House Bill No. 221, An Act reducing the bounty on bobcat and lynx. To the Committee on Fish and Game.

By Mr. Kimball of Derry, House Bill No. 222, An Act relative to the so-called timber tax. To the Committee on Resources, Recreation and Development.

By Mr. Peaslee of Concord, House Bill No. 223, An Act to prohibit the use of carbon tetrachloride in fire extinguishers. To the Committee on Public Health.

By Mr. Thompson of Franklin, House Bill No. 224, An Act forbidding discrimination in employment on account of age. To the Committee on Labor.

By Mr. Dame of Portsmouth, House Bill No. 225, An Act closing the season for taking hen pheasants for a period of four years. To the Committee on Fish and Game.

By Mr. Hanson of Bow, House Bill No. 226, An Act establishing a minimum length for brook trout. To the Committee on Fish and Game.

By Mr. Bradley of Thornton, House Bill No. 227, An Act relating to the appointment of committees of the House of Representatives. To the Committee on Judiciary.

By Mr. Woodman of Concord, House Bill No. 228, An Act relative to the valuation of life insurance policies. To the Committee on Insurance.

By Mr. Habel of Somersworth, House Bill No. 229, An Act relative to life, accident and health insurance benefits for regular employees of the city of Somersworth. To the Somersworth Delegation.

By Mr. Rice of Peterborough and Mr. Pickett of Keene, House Joint Resolution No. 17, Joint Resolution relative to control of the Dutch elm disease. To the Committee on Agriculture.

By Mr. Rice of Peterborough, House Joint Resolution No. 18, Joint Resolution to provide increased funds for geologic mapping. To the Committee on Resources, Recreation and Development.

By Mr. Peever of Salem, House Joint Resolution No. 19, Joint Resolution in favor of Catherine J. Silva. To the Committee on Appropriation.

Mr. Peever of Salem moved that the rules be so far suspended as to dispense with the printing of House Joint Resolution No. 19.

On a *viva voce* vote the motion prevailed.

Reports of Standing Committees

Mr. Plourde of Pembroke, for the Committee on Public Works, to whom was referred House Bill No. 92, An Act providing assistance to certain towns for the relocation of town roads affected by the construction of the Hopkinton-Everett Flood Control Project, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Galloway of Walpole explained that it was not necessary to refer House Bill No. 92 to the Appropriation Committee.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate message announced, that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 13, An Act to increase the amount of wages exempt from trustee process.

Introduction of Senate Bill

Senate Bill No. 13, An Act to increase the amount of wages exempt from trustee process, was read a first and second time and referred to the Committee on Judiciary.

The Senate message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives:

House Joint Resolution No. 3, Joint Resolution providing for additional expenditures by the board of professional engineers.

Report of Engrossed Bills Committee

Mrs. Chase of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 19, An Act relative to the charter of the city of Portsmouth.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate bill:

Senate Bill No. 4, An Act providing for competitive bidding on county sales of personal property.

Resolutions

Mr. Hunter of Hampton offered the following resolutions:

Whereas, Alton P. Tobey and his wife, E. Gladys Tobey, lost their lives when their boat struck a reef off Hampton Beach, and

Whereas, Mr. Tobey was a former fellow Representative from the town of Hampton, therefore be it

Resolved, That the members of this House of Representatives do hereby extend our sympathy to their family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to their son and to their daughter.

On a *viva voce* vote the resolutions were unanimously adopted.

Monitors for Mileage Boards

The Clerk read the following list of Monitors for Mileage Boards:

Division 1

Seats 1 to 17	Clark of Derry
Substitute:	Galloway of Walpole
Seats 18 to 42	Mulaire of Hooksett
Substitute:	Barney of Rumney

Division 2

Seats 1 to 22	Thompson of New Ipswich
Substitute:	Willis of Salem
Seats 23 to 52	Brown of Strafford
Substitute:	Carpenter of Henniker
Seats 53 to 77	McAllister of Barnstead
Substitute:	Bradbury of Claremont
Seats 78 to 101	Locke of New Boston
Substitute:	Dame of Portsmouth

Division 3

Seats 1 to 23	Hambleton of Goffstown
Substitute:	Eastman of Weare
Seats 24 to 53	Wiggin of Bedford
Substitute:	Converse of Pittsburg

Seats 54 to 89	Varney of Rochester
Substitute:	Cormier of Somersworth
Seats 90 to 119	Walsh of Manchester
Substitute:	Delisle of Manchester

Division 4

Seats 1 to 22	Larty of Haverhill
Substitute:	Haley of Keene
Seats 23 to 52	Maxham of Concord
Substitute:	Philbrick of Rye
Seats 53 to 77	Christiansen of Berlin
Substitute:	Spofford of Jaffrey
Seats 78 to 101	Rolfe of Rochester
Substitute:	Lang of Manchester

Division 5

Seats 1 to 25	Bell of Plymouth
Substitute:	Moore of Bradford
Seats 26 to 42	Diffenderfer of Ossipee
Substitute:	Lacaillade of Laconia

Mr. Kimball of Manchester offered the following Concurrent Resolution:

Be it Resolved by the House of Representatives, the Senate concurring, That Doctor Mark B. Strickland of Manchester be asked to address the House and Senate in joint convention on Tuesday, February 24 on the subject "Twenty Days Behind the Iron Curtain."

The Concurrent Resolution was referred to the Committee on Rules.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

House Bill No. 92, An Act providing assistance to certain towns for the relocation of town roads affected by the construction of the Hopkinton-Everett Flood Control Project, was read a third time and sent to the Senate for concurrence.

On motion of Mrs. White from Portsmouth the House adjourned at 11:31 o'clock.

THURSDAY, FEBRUARY 12, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Reverend Glenwood C. Jordan of the Advent Christian Church of Concord.

Almighty and Eternal God, we come to Thee this morning realizing that the greatness of this Nation and this State lies in our attitude toward Thee.

As Abraham Lincoln once said, "I believe the will of God prevails; without Him all human reliance is vain; without the assistance of the Divine Being I cannot succeed; with that assistance I cannot fail."

May the truth of this statement guide the thinking of each lady and gentleman present. May the Governor of our State realize the blessings and wisdom of the Almighty Governor of Heaven and Earth.

Then when this day's activities are over each shall know that Thy will has been done. We ask these blessings in Jesus' name. Amen.

Salute to the Flag

Mr. Cilley of Concord led the Convention in the salute to the flag.

The Chair introduced Dr. Edwin P. Booth of Boston University to the Joint Convention, who gave an address concerning the life of president Abraham Lincoln.

Senator Vaughn for District No. 8 offered the following Concurrent Resolution:

Whereas, we have listened with pleasure to the address to the House and Senate of Dr. Edwin P. Booth concerning the life of President Abraham Lincoln, therefore be it

Resolved by the House of Representatives, the Senate concurring, That we hereby offer our thanks to Dr. Booth for his efforts in coming to New Hampshire on this occasion and for his very timely remarks.

On a *viva voce* vote the Concurrent Resolution was unanimously adopted.

On motion of Senator Cates of District No. 4, the Convention rose.

House

Leaves of Absence

Mr. Merrill of Exeter was granted leave of absence for the day on account of important business.

Messrs. Stone of Webster, Chamberlain of Holderness and MacIsaac of Laconia were granted leaves of absence for the day on account of illness.

Reports from Standing Committees

Mr. Hodgman of Pelham, for the Committee on Labor, to whom was referred Concurrent Resolution memorializing Congress regarding salaries at Portsmouth Navy Yard, having considered the same, reported the same with the recommendation that the Concurrent Resolution ought to pass.

On a *viva voce* vote the resolution was adopted.

Resolutions

Mr. Pillsbury of Manchester offered the following resolutions for the Manchester Delegation:

Whereas, Saturday, February 14 commemorates both the day of sweethearts and the eighty-eighth birth date of our esteemed colleague, Joseph H. Geisel of Manchester, Ward two, and

Whereas, the much-beloved member has contributed greatly to the deliberations of the House through his wisdom, good humor, patience, kindness and christian deportment, and

Whereas, each member of the House holds his seat in part through the efforts of this good member whose birth coincides with St. Valentine's Day, therefore be it

Resolved, That we extend our heartfelt congratulations to the member from Manchester on the anniversary of his birth, and be it further

Resolved, That when the House adjourns today it adjourn in his honor.

On motion of Mr. Pickett of Keene the resolutions were adopted by a rising vote.

Mr. Pickett of Keene offered the following resolutions for the Keene Delegation:

Whereas, we have learned with sorrow of the passing of Mrs. G. Estes Turner of Lowell, Massachusetts, mother of Gardner C. Turner, former Majority Leader of the House of Representatives and the present Chairman of the Board of Trustees of the Industrial School, therefore be it

Resolved, That we, the members of this House of Representatives, do hereby express our sympathy to Mr. Turner and the family in their bereavement, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Turner.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that Mr. Vachon of Manchester was celebrating his seventeenth wedding anniversary today.

Mr. Coutermarsh of Lebanon offered the following resolutions:

Whereas, Frank J. Bryant of Lebanon has passed away, and

Whereas, Mr. Bryant was a former member of the House of Representatives and of the Senate, and served as postmaster for many years in the city of Lebanon, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, do hereby express our sympathy to the family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to his widow.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene, the rules were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, and when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Mrs. Cress of Portsmouth the House adjourned at 12:02 o'clock in honor of Representative Geisel's eighty-eighth birthday.

TUESDAY, FEBRUARY 17, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal God, we pray that in our personal concerns and private interests we may have such faith in Thee and in the world that Thou hast created and art ever re-creating, that we may be tolerant of differences of opinion, method and approaches to the situations of life.

Let not our own anxieties be permitted to stifle the open and uninhibited exchange of honest views, for we would remember that if we agree but have not love, we have no real unity, yet, if we disagree but do so in love, nothing may essentially divide us. Amen.

Salute to the Flag

Mrs. Davis of Woodstock led the Convention in the Salute to the Flag.

Senator Martin of District No. 3 offered the following Concurrent Resolution:

Resolved by the House of Representatives, the Senate concurring, That the General Court in Joint Convention will now be ready to meet His Excellency, Governor Wesley Powell, for the purpose of receiving any communication that he may be pleased to make.

On a *viva voce* vote the Concurrent Resolution was adopted.

His Excellency, Wesley Powell, then came before the Joint Convention and delivered the following message:

Message to the Legislature on Highway Department Financing and Highway Construction

Mr. Speaker, Mr. President, Honorable Members of the General Court:

Before presenting my recommendations regarding the highway program itself there are certain related matters I want to discuss with you.

During the budget hearings we of the Committee tried

to probe deeply not only the dollar signs before us but also the programs and performance of the various departments.

Some of the departments made excellent presentations and indicated a most helpful familiarity with the details of their budgets. The Highway Department did not. At the time, I made clear my own thought that the Commissioner should not be expected to know every detail but he should be surrounded with staff members who devote themselves to full knowledge. Frankly, I hope the committees of the Legislature will call upon the Commissioner for an appraisal of his staff, and that he will speak frankly in response without partiality and without prejudice. There is a reluctance among officials of government to undertake the cumbersome task of shedding themselves of personnel really not useful. It is easier to build around them. However, this is public money we raise, appropriate, and spend — not our own. Any extraordinary sympathy we may feel should be extended to the people who pay the bill, not to the few whose places on the public payroll are not essential. There will be more on this general point when the details of reorganization are presented.

Highway Department Audit

Recently I requested that your Appropriations and Finance Committees authorize your agent, your able Legislative Budget Assistant, to supervise a complete audit of the Highway Department. The committees responded affirmatively and this important, necessary task will soon be underway. I am most grateful for this action. When the audit is finished we will have, for the first time in a long time, a thorough and accurate picture of highway department financing which will be of real assistance to you, the executive, and the department itself. The cost of this audit will be substantial but, for better or for worse, will help us all to know where we stand. Furthermore, you have my assurance that sound recommendations resulting from the audit will be promptly honored by the executive branch of our government.

Toll Roads

In the opinion of many, our toll roads have not been as carefully managed as the people have a right to expect. Although the Legislature and Executive have been informed that as to all three roads a profit so-called should not be ex-

pected in the early years of operation, the roads should be better off financially than they are. Frankly, it is my impression that important details of administration of these roads have been neglected perhaps because some personnel had the thought they were apart from the rest of the highway program. (As a matter of fact, I believe present Highway Department difficulties can be attributed to the fact that the Department has too often considered itself apart from the state government. For my part, it is just one more agency of the government and will be treated as such. If I were to add to this parenthetical note, I would say the Commissioner has been advised of my strong feeling that the Department should get out of politics and stay out).

Recently, the Commissioner, at my request, appointed an overall manager for our toll roads. This was accomplished without the creation of a new position. I am hopeful this will bring reasonably soon recommendations which will result in more economical and efficient operation of our toll road system.

Franconia Notch Parkway

There are some who attempt to make political capital out of my administrative action to end the feud between two department heads involving the Franconia Notch Parkway so-called. They are welcome to the effort. Perhaps you would be interested in the background.

For months, claims and counter claims regarding New Hampshire's most famous landmark have filled the air and the press. The result is that some think our state government is about to destroy the Old Man and the scenic splendor over which he reigns with such beautiful and meaningful simplicity.

Well, when folks start calling from around the country to express that utter shock which can be born only of no information or misinformation, I believe it is time for any responsible governor to act. When agencies of government are about to stage public debates and when a bitter feud reaches the point where it is costing the people thousands of dollars in time wasted by public employees, it is time for a governor to act.

So act I did, but only following my own careful study. My study satisfied me of two things: (1) The original protests brought more careful study and acceptable design; (2) That the project as now planned will not destroy the beauty of the Notch but rather will unfold for a greater number its full

beauty heretofore unseen except by the few stout of heart for whom a steep mountainside is an invitation to climb.

You know, of course, there is nothing new about the problems of and objections to this parkway. Hailing memories of that part of my own youth spent in the southland, I remember well the bitter objections to a Skyline Drive, an open road to a Blowing Rock, or a vista laden Blue Ridge Parkway. Blowing Rock in Carolina? It was a distant dream to the school children of surrounding counties because the winding road was too rough and steep for their only transportation, a bus. Build a wide road straight up the mountain? A horrible thought when first expressed. Yet up that road this day — quickly and safely — go the school children and the tourists by the thousands.

Build a Skyline Drive in ole Virginia? Never! The sound of axe and saw — and automobiles — along the ridges of those hills? Why, impeach the Governor and his Yankee friends!

And then what? The beautiful road was built and those who stood as a barrier at Front Royal lived to clamor that the way be opened clear to Asheville — and now to and beyond Old Smokey itself!

I would be the first to stand in opposition to this roadway except for three considerations vital to our state: (1) This project will enhance the beauty and accessibility of the Notch; (2) it will expand the income of our citizens who make their living from those who will come in greater numbers to see and relax; (3) it will help in the industrial development so urgently needed by the communities of our great north country and will bring a greater industrial and recreational development to our southern counties, even to the seaside. Perhaps even the Old Man lingers on with us to see these changes which will help so many.

All of that is why I stepped in and, incidently, to be told by the men involved that disagreements should end. The statement I made at the time would not have been issued had these two public servants not approved it.

Normal Highway Program

In the weeks of my service here, I have been interested to learn that many citizens and their representatives have been under the impression that roads are built and rebuilt in our

state from the gasoline tax revenue. Such is not the case, of course.

Furthermore, the Commissioner and his staff have neglected to emphasize enough the plain facts regarding the financing of the Department's operations. When the Department appeared before your 1957 Session it should have informed you in a louder voice and by more urgently presenting foreseeable developments that a two cent increase in the gas tax was necessary. In failing to do so, they simply postponed the day of reckoning.

It is not pleasant to deliver them, but here they are — the facts of today and for tomorrow and I would underline that these facts hold without reference to any accelerated highway program. They relate to normal construction plans.

(1) Revenues from the gasoline tax are exhausted by departmental operations and costs other than road construction and reconstruction.

(2) Bonds are issued, by authority of the Legislature, to finance road construction and reconstruction.

(3) Up to now, gasoline tax revenues have been sufficient to amortize these bond issues and pay the interest on them.

(4) If the Department's regular program for the next biennium is approved, plus normal implementation of the interstate system, gasoline tax revenues at present rates will not be sufficient to meet the cost of departmental operations, road maintenance, debt service and interest. As a matter of fact, there would be about a ten million dollar deficit.

(5) By authority of the Legislature, the Department now has issued an outstanding \$14,750,000.00 in bonds.

(6) The 1957 session of the Legislature authorized an additional \$5,000,000.00 in bonds which have not been issued but probably will be by June. However, the state treasurer informs me that some \$4,000,000.00 of this sum has already been committed via short term notes which, of course, will be paid off when the total sum is bonded. Therefore, a true total of bonded debt in behalf of the Department as of June 30, 1959 will be \$19,750,000.00.

(7) The budget requests of the Department for 1960-61 call for the retirement of \$4,300,000.00 of the total bonded debts in the two year period. This is in accordance with amorti-

zation schedules already established. In addition, budget requests provide for interest payments totaling \$860,215.00 on all bonds outstanding. You must add to this about \$175,000.00 interest for the additional \$5,000,000.00 bond issue.

(8) Therefore, as related only to bonds now authorized or outstanding, the total sum outstanding as of June 30, 1961 would be \$15,450,000.00.

(9) The Department requested \$39,200,000.00 for 1960-61 to meet statutory requirements and so-called normal operation requirements. This sum does not include highway construction. I reduced this request to \$37,013,576.00, a reduction of \$2,186,424.00. As of interest, I eliminated all requests for new positions and related items. I subscribe to the legislative policy of requiring temporary help where needed rather than permanent positions. (I have no desire to unnecessarily assist towards the growth of a department and recognize the truth that it is easy to put people on the payroll but next to impossible to get them off.)

(10) The Department informs me, based upon its estimates, that the following revenues will be available to it for 1960-61 from the sources stated:

(a) Gas tax @ 6¢ per gallon	\$22,450,000.00
(b) Motor Vehicle Registrations	12,550,000.00
(c) Garage Income	4,000,000.00
(d) Miscellaneous	200,000.00

Total	<hr/> \$39,200,000.00
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(11) At this point we come to the business of building new roads and reconstructing existing roads. The total construction program for which the Department has requested funds comes to \$58,200,000.00. This is the total of both state and federal funds. It includes about \$30,000,000.00 for the interstate system. To meet this cost there will be available \$41,900,000.00 in federal funds. There will also be available \$3,300,000.00 from appropriation balances for 1958-59. The balance of \$10,807,373.00 represents a deficit. Be reminded, please, that used here is the deficit figure based upon the budget reductions I made. I should add that the Department insists it needs a high percentage of my reduction for temporary help if it is not restored for permanent help. (Here the same impatience I feel towards other areas of government applies to

this department. My impatience is based upon the known factor that seldom, if ever, a government department — federal or state — really wants to take a realistic look at itself, tighten up its belt and each hand pitch in and do a little more. Frankly, I believe this department can be more tightly run than it is today, and I believe it will be. The Commissioner has been made bluntly aware of my opinion that he should and must exercise a firmer hand lest his kindly attitude be misunderstood. His is our biggest department. Its responsibility to the people is great. There is no reason why his should not be our most efficient and least wasteful agency. What I say now to you I have already said to him.

On this point eleven, the question remains: from whence will the money come to avoid such a deficit? Yes, it could come simply from bonding but even then funds must be made available to retire the debt and pay the interest. True, we could stagger the bond issue and delay a little longer the day of reckoning but what will happen when that day arrives?

Frankly, it makes sense to me to face up to realities. We can either cut back on the normal program, delay the day of reckoning, or put the program on a sound basis now by making the gas tax seven cents per gallon as should have been done two years ago. The latter approach is my recommendation. The increase would bring in \$1,900,000.00 in additional revenue for 1960 and would increase to about \$2,500,000.00 over the next few years as the highway system is expanded and traffic increased.

Here I want to point out that the department audit to be underway shortly is to include an audit of revenue sources. It was my belief that while this job is being done it ought to be done thoroughly. For years, behind the door complaints have been registered that the state has not been receiving all the gasoline and diesel fuel revenue to which it is entitled. This is a good time to tackle that issue along with the rest and clear it up, one way or the other.

No one knows better than I that the courses of action recommended in earlier messages, and today, are considered by some to be a poor political approach. I continue in the belief that the people have had enough of the political approach. They and their representatives are entitled to know the facts as they are, regardless of the political fortunes of those who, by circumstances of prior creation, now must face the facts.

Accelerated Highway Program

I come now to my recommendations regarding the acceleration of highway construction in New Hampshire. This issue is also explosive politically. The political explosion is as nothing, however, to the economic explosion which we the elected officials of our government will face if we do not take those steps prerequisite to the future better income of our people.

For years now, rail transportation of our people and products has been vanishing. Some of this is attributed to the earlier and current shortsightedness of those who in boyhood wanted to be locomotive engineers and by circumstances became railroad presidents. I might add that from their pits of debts some of these presidents now pose as tax experts. If there are two things New Hampshire can do without they are (1) the awful Massachusetts burden of debts and taxes and (2) advice from a railroad president which is as poor as his rail service.

The issue before us is our urgent need for adequate, fast, safe highways for the transportation of persons, raw products and finished goods. If funds could be available without an undue burden upon our people, my recommendations would be even broader than those you are about to hear.

We have here in New Hampshire, if we can hold fast to it, a tax climate, a labor-management relationship, and an atmosphere for living which are unexcelled elsewhere. These assets, I believe, will be attracting new industry and job opportunities our way in ever increasing number in the years ahead — if we take steps now towards a more rapid expansion of our highway system to open up all sections of the state for economic expansion. I am recommending just such steps today. For a long time, it has been my conviction that we have been altogether too prone to sharpen the tax bite upon the people of our communities but fearful of doing those things which will increase their job opportunities and help build a future of self-sufficiency for our expanding population.

To the north of us a new St. Lawrence Seaway is opening. There are industrial advantages to be gained by New Hampshire from this development.

In the south, a Port Authority of your creation is already studying ways by which the Port of Portsmouth, a great natural resource, can be best utilized for the further economic development of the whole state.

Up and down and across our state our people are frequently frustrated in their search for new industry by inadequate transportation arteries.

In every area of the state to which the resort business is a vital part of the economy, citizens are aware that if they are to share in the benefits of expanding recreational business, highways into the resort areas must be improved.

Frequently I have said that if we wait the 15 to 26 year period involved in present master highway planning, time will have passed us by. This we simply cannot afford. Our people must be employed and our businesses prosperous. Absolutely nothing is more important either to the economic stability of the state or needed expansion of state revenues.

Furthermore, land acquisition and construction costs are constantly increasing. The accelerated program would enable us to avoid the higher costs of the future. It is apparent to all of us now that had we adopted a long range plan years ago we would not be involved in such high land and as high construction costs today.

Involved in the accelerated program also will be the ability of the department to plan ahead for a substantial program. This it has not been able to do to date. The lack of authority to plan has crippled the department and has led frequently to uneconomical piece-meal construction.

There would be in connection with the accelerated program a departure from the state's usual policy respecting bond issues. It is my recommendation that if the program is approved bonds authorized to cover it be for a 25 year term and that a portion of them be "callable" in order that federal funds may sometimes be used to retire some of the total issue and thereby reduce interest costs.

Total Cost and Required Bonding

If the accelerated program is approved then the so-called normal construction program would be included in the following total figures.

The total estimated costs of the construction program I recommend for the next two bienniums or four years is \$186,000,000.00.

Bonding for the program would be required in the total sum of \$86,000,000.00. The bonds would be issued as follows:

\$25,000,000.00	1960
40,000,000.00	1962
21,000,000.00	1964

Amortization schedules would be arranged to take full advantage of federal funds during the heavy debt service years of 1964-65-66-67-68-69-70-71.

Furthermore, the entire program is planned so as not to require any increase in gasoline tax for amortization and interest. Placing the financing of normal programs on a sound basis as previously recommended plus increased traffic with its increased revenue would meet all debt service requirements.

The recommended accelerated program is submitted to you in three parts as follows:

1. Interstate Highway System

It is recommended that we move forward to the completion of our interstate system by 1963 or about seven years ahead of schedule. The cost involved would be \$132,000,000.00. Of the total bond issue, \$50,000,000.00 bonding would be required for this purpose. Federal funds would be forthcoming yearly even though construction is completed and, in addition to other federal allocations to the interstate system, \$31,000,000.00 of the \$50,000,000.00 would be retired with federal funds.

Completion of the interstate system means from Salem to Littleton and from Concord to Lebanon. This would provide not only sharply improved intrastate contact for industry and travel but give us greatly advantageous arteries north beyond our own lines to the south and north into Canada.

I would ask here that you refer back to those passages of this message which spell out the industrial and resort advantages we need and must have. The state among the north-east states which improved highways can help the most is our own New Hampshire for, as we have said, we have the tax climate, the labor and management, and the attractions for good daily living to be taken advantage of, if we have the improved highway system.

2. Primary, Secondary and Urban Systems

For normal plus accelerated construction on our primary secondary, and urban systems, I recommend projects totaling \$48,000,000.00 for the same period, or the next four years.

These improvements by way of new construction would occur throughout the state, and, in many instances, would serve to more adequately connect our communities to the interstate system to take full advantage of the industrial and resort potential of these new arteries.

Furthermore, the total includes construction up through Pittsburg to the tip of the state to provide, with the cooperation of the Quebec Government which will be constructing south to our border, a clear link with eastern Canada whose people will travel to us in greater numbers and whose industrial development along the St. Lawrence can help spell out our own industrial development too.

In this part two we find the basis for long range planning and for the completion of our master highway plan in a shorter period of time.

3. Acceleration of Work on Route 101 and 101-C

Part 3 of this accelerated program provides for the acceleration of work on Route 101 and 101-C which is the stretch from Exeter to Hampton Beach.

It is my firm conclusion that plans and construction should begin now to establish between Keene and Portsmouth and the shoreline an expressway. Here again is involved the importance of industrial and resort development in our state. Again the Port of Portsmouth, our oceanside and our leading industrial city of Manchester come into the picture. This route and potential industrial development along it, as well as better accessibility of our beaches have been too long neglected. The cost involved at this time in part 3 is \$6,000,000.00.

There are two points I would like to make here. First, the layouts and land acquisition henceforth would be for an expressway. Construction and all other phases would be geared to all interstate highway requirements in my expectation that the interstate system will be expanded on the so-called 90 - 10 formula and 101 designated by the federal government for completion. The department agrees that our planning, land acquisition and construction shall be with this in mind.

If part 3 is adopted an expressway, connecting with the toll road at Hampton and with an interchange at Route 1, would be constructed from Exeter bypass to Hampton Beach. This would be two lane for the present but layout and land acquisition would be for four lanes.

Also under part 3 there would be a layout for four lane expressway from the already programmed four lanes at Auburn to the Exeter bypass and this recommendation includes funds for land acquisition for expressway along stretches of the route not already programmed.

Further under part 3 is provision for engineering study for four lane expressway from Keene to Manchester, with layout and land acquisition in critical areas so as to be prepared for developments in connection with the interstate system, and for further state action as funds allow.

In addition to these three parts there is provided in the overall program recommended \$3,000,000.00 to cover: trunk line reconstruction; state aid construction; state aid reconstruction; town road aid; betterments; State Aid Bridge Construction; Town Road Bridge; Federal lands; Damage.

Conclusion

No part of this program involves one cent from the general fund. Gasoline tax, motor vehicle and related funds are earmarked, as you know, for highway operations, maintenance and construction. This policy would not be changed and there would not be, of course, any diversion of other funds to this program.

I doubt if any program, except for our overall fiscal situation and plans, has ever received more conscientious study and planning than these recommendations. Incidentally, the Commissioner has been asked to make available to you, and will do so shortly, full details on the location of each mile of construction recommended, costs, bonding and departmental revenues, present and recommended. The Commissioner and his staff join with me in offering to answer your questions.

Hence I would like to say that having made reference to departmental shortcomings, I want also to give credit where credit is due. With available funds and with statutory restrictions the department has had an excellent record of performance. Over the years it has been able to build only those miles of road for which funds have been authorized. It is not the Department's fault that every road has not been reconstructed or every desired new artery built. The suggestions I have made for improved administration and operation are intended to be constructive.

Now you have my recommendations. I leave them for your careful study, your questions and judgment. They are not based upon a simple desire to see more roads built. My recommendations are based upon my faith in the future of New Hampshire, its people, communities and institutions. It is my intense belief that this program represents an essential investment in our proper economic development which, as it comes, will bring with it a portion of the needed increase in revenues to more adequately provide essential state services. The foregoing is my only interest.

There is not much new in what I recommend. It is simply that I am trying to meet my leadership responsibility to point the way to a better future for all our people.

Thanks ever so much.

On motion of Senator Daniel of District No. 19 the Convention rose.

House

Leaves of Absence

Messrs. Clement of Landaff and Pinkham of Northwood were granted leaves of absence for the day on account of important business.

Mr. Stokes of Freedom was granted leave of absence for the week on account of important business.

Mr. Rollins of Alton was granted leave of absence for today and tomorrow on account of illness.

Mrs. Gowing of Dublin was granted leave of absence for two weeks on account of illness in the family.

Introduction of Bills

The following bills and House Joint Resolution were severally read a first and second time, laid upon the table for printing and referred as follows:

By Mr. Bradley of Hanover, House Bill No. 230, An Act relative to school building aid for the Newington School District. To the Committee on Education.

By Mr. Bradley of Hanover, House Bill No. 231, An Act relative to school building aid. To the Committee on Education.

By Mr. Hodgman of Pelham, House Bill No. 232, An Act relative to temporary certificates for operation of motor vehicles in certain cases. To the Committee on Transportation.

By Mr. Rollins of Alton, House Bill No. 233, An Act co-ordinating the retirement age for women employees under the state employees' retirement system with that provided under the Federal Social Security Act. To the Committee on Executive Departments and Administration.

By Messrs. Edwards of Antrim, Aucella of Bennington and Vadney of Frankestown, House Bill No. 234, An Act relative to payment of costs in cooperative school districts. To the Committee on Education.

By Mr. MacIsaac of Laconia, House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mt. Sunapee aerial tramways. To the Committee on Insurance.

By Mrs. Frizzell of Charlestown, House Bill No. 236, An Act relative to the taxation of personal estate. To the Committee on Judiciary.

By Mr. Pillsbury of Manchester, House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income. To the Committee on Education.

By Mr. Woodman of Concord, House Bill No. 238, An Act authorizing the Director of Purchase and Property to purchase in advance of requisition. To the Committee on Executive Departments and Administration.

By Mr. Monahan of Hanover, House Bill No. 239, An Act providing for special nonresident student hunting licenses. To the Committee on Fish and Game.

By Mr. Gove of Concord, House Bill No. 240, An Act relating to checking accounts of minors. To the Committee on Banks.

By Mr. Bradley of Hanover, House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws. To the Committee on Liquor Laws.

By Mr. Larty of Haverhill, House Bill No. 242, An Act to enforce safety, sanitation and adequate shelter for railroad employees. To the Committee on Transportation.

By Mr. O'Neil of Chesterfield, House Bill No. 243, An Act in relation to district liability for elementary school tuition. To the Committee on Education.

By Mr. Kearns of Manchester, House Bill No. 244, An Act

relating to borrowing by counties. To the Committee on Municipal and County Government.

By Mr. Brown of Strafford, House Bill No. 245, An Act relative to license fees for persons operating a vehicle used in the business of buying and selling live poultry. To the Committee on Agriculture.

By Mrs. Atwood of Sanbornton, House Joint Resolution No. 20, Joint Resolution relative to special appropriation for education of deaf children in schools for the deaf. To the Committee on Education.

Reports of Standing Committees

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 12, An Act providing for free distribution of the legislative manual to high schools, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mrs. Brown of Sandwich offered an explanation for the resolution of the committee and requested that a letter from Deputy Commissioner Farnum be read by the Clerk and printed in today's Journal.

The Clerk read the letter from Commissioner Farnum.

Honorable Edna B. Weeks
Clerk, House Education Committee
State House
Concord, New Hampshire
DEAR MRS. WEEKS:

I am very glad to give you a statement concerning our support of House Bill 12 introduced by Mr. McMeekin and how it might be administered cooperatively with the Secretary of State.

Mr. McMeekin was in to see me during the early fall to inquire about the use of the legislative manual for school use and expressed the opinion that it should be made available to all high schools. I immediately concurred with his suggestion and indicated that I felt it was a valuable document for use by school pupils. This, of course, led to the development of House Bill 12 requiring a free distribution to each high school in the state. I certainly agree with Mr. Pillsbury's suggestion that it

would be more satisfactory to have this worked out between the two departments if it was possible.

It would appear to me from Mr. Jackson's comments that there are sufficient copies available for distribution and this is simply a matter of working out a distribution to the schools. We would be very glad to cooperate with the Secretary of State in this project. We are required from time to time to make deliveries to our superintendents and this could be worked in with another bulk mailing. I refer specifically to the School Registers that are distributed each summer to all the superintendents' offices in the state.

I believe at the hearing I indicated that about 200 copies would be necessary to take care of the public high schools, public academies, approved junior high schools and private secondary schools. There are at present 137 of these public and private secondary schools and academies. There is also a group of sizable elementary schools accommodating grades 6, 7 and 8 that could make excellent use of this material. These schools are not included in Mr. McMeekin's bill but may merit consideration with the committee. It is my estimate that we would have at least 200 more of these schools that are so organized that excellent use could be made of this publication in their work in connection with the state government. This would result in about 350-400 copies needed for such a distribution.

Cordially yours,

PAUL E. FARNUM

*Deputy Commissioner of
Education*

On a viva voce vote the resolution from the committee was adopted.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 117, An Act relative to sale of brook trout as food in retail food stores, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a viva voce vote the bill was ordered to a third reading.

Mr. Eastman of Exeter, for the Committee on Judiciary, to whom was referred House Bill No. 162, An Act relative to

county attorneys, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Hart of Laconia, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 6, An Act providing for state participation in water pollution control, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 149-B:1 of Chapter 149-B RSA as inserted by section 1 of the bill by striking out in the eighth line the word "fees" and inserting in place thereof the word, services; and by striking out in the eighteenth line the words "the project" and inserting in place thereof the following: construction as defined in Public Law 660, 84th Congress (subsequent amendments thereof, or any other relative federal legislation), so that said section as amended shall read as follows:

149-B:1 *State Contributions.* The state of New Hampshire shall, in addition to the federal grant made available under the provisions of Public Law 660, 84th Congress (subsequent amendments thereof, or any other federal legislation), pay annually on or before June 30, twenty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (as defined under RSA 33:1) for the control of water pollution. The word construction shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations and intercepting sewers; the altering, improving or adding to existing treatment plants, pumping stations and intercepting sewers; (meaning such elements of construction now or subsequently eligible for participation in the federal grant program) provided the construction has been directed by the water pollution commission, the state department of health, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25. The term "original costs" as used herein shall mean the entire cost of construction as defined in Public Law 660, 84th Congress

(subsequent amendments thereof, or any other relative federal legislation), excluding land acquisition. In computing said costs no deduction shall be made for federal grants therefor.

Amend section 149-B:2 of said chapter 149-B as inserted by section 1 of the bill by striking out in the fifth line the word "ten" and inserting in place thereof the word, twenty, so that said section as amended shall read as follows:

149-B:2 *Existing Systems.* Those municipalities which have undertaken construction, as defined in the preceding section, since July 1, 1947, are hereby declared entitled to payment retroactively for such construction. Said municipalities shall receive their total retroactive payment over a period of twenty years in equal annual installments. Application for payments under the provisions of this chapter shall be made in accordance with rules and regulations which the water pollution commission is hereby authorized to promulgate, and shall be based upon reports filed with the commission prior to the thirty-first day of January in the calendar year for which payment is being requested.

Amend section 2 of the bill by striking out in the third line the figures "\$107,000" and inserting in place thereof the figures, \$68,000, and by striking out in the same line the figures "\$135,500" and inserting in place thereof the figures, \$96,000, so that said section as amended shall read as follows:

2 *Appropriation.* There is hereby appropriated for the purpose of carrying out the provisions of RSA 149-B, as hereinabove inserted the sum of \$68,000 for the year ending June 30, 1960, and the sum of \$96,000 for the year ending June 30, 1961, and the governor is hereby authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated. The sums hereby appropriated shall be administered by the water pollution commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained. No grants hereunder shall become effective without prior approval and authorization by the governor and council.

The report was accepted.

Mrs. Davis of Woodstock and Mr. Perrault of Berlin, for the undersigned, a minority of the Committee on Resources,

Recreation and Development, to whom was referred House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities, having considered the same, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend chapter 149-B as inserted by section 1 of the bill by inserting at the end thereof the following new section: 149-B:4 *Lincoln Project*. In addition to other state contributions to the town of Lincoln for the control of water pollution for said town the state shall pay annually on or before June thirtieth, twenty per cent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage disposal facilities as defined in section 1, making a total state contribution to said town of forty per cent.

The report was accepted and both majority report and minority report were laid upon the table for printing under Rule No. 48.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 36, An Act relating to payments to cities and towns by municipal courts. Ought to pass.

Engrossed Bills Committee Report

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill and House Joint Resolution:

HB 36, An Act relating to payments to cities and towns by municipal courts.

HJR 3, Joint Resolution providing for additional expenditures by the board of professional engineers.

The Chair extended birthday congratulations to Mr. Peever of Salem.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock to

be in order at the present time, that bills be read by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time and sent to the Senate for concurrence:

House Bill No. 117, An Act relative to sale of brook trout as food in retail food stores.

House Bill No. 162, An Act relative to county attorneys.

On motion of Mrs. Roulston of Salem the House adjourned at 12:25 o'clock.

WEDNESDAY, FEBRUARY 18, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Reverend William Parker Neal of St. James Episcopal Church of Laconia.

In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.

Most Holy and Glorious Lord God, the fountain of all wisdom and strength, Whose statutes are good and gracious, and Whose law is truth; guide we beseech Thee the members of this legislature in all of their deliberations that they may obtain for our governance only such things as please Thee. Endue the leaders of our State, Governor Powell and his Council, the members of the Senate and of this House of Representatives with an adventurous spirit that will help them to scorn the way of safety in order that Thy will may be done. Take from them all contempt of Thy Word and Commandments. Break down all the barriers of selfishness and ignorance which cause strife between men and which keep them from a knowledge of Thee. Give them the will to show forth their thankfulness by an humble, holy and obedient walking before Thee all the days of their life, through Jesus Christ our Lord. Amen.

Salute to the Flag

Mr. Karagianis of Laconia led the Convention in the Salute to the Flag.

House

Leave of absence

Mr. Locke of New Boston was granted a leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally read a third time, laid on the table to be printed and referred as follows:

By Mr. Kimball of Manchester, House Bill No. 246, An Act to define and to provide for the licensing of real estate brokers and real estate salesmen. To the Committee on Executive Departments and Administration.

By Mr. Diffenderfer of Ossipee, House Bill No. 247, An Act relative to hunting during the open season for taking deer, by a person who has during the same season taken a deer. To the Committee on Fish and Game.

By Mr. Merrifield of Sunapee, House Bill No. 248, An Act relative to the police in the town of Sunapee. To the Committee on Municipal and County Government.

By Mr. Bradley and Mr. Monahan of Hanover, House Bill No. 249, An Act relative to the operation of passenger tramways. To the Committee on Resources, Recreation and Development.

By Mr. Clement of Rochester, House Bill No. 250, An Act changing the name of Trustees of the Methodist Episcopal Meeting House in Rochester and increasing its property holding. To the Committee on Judiciary.

By Mr. Newell of Concord, House Bill No. 251, An Act relating to appeals in municipal building regulation matters. To the Committee on Municipal and County Government.

By Mr. Griffin of Nashua, House Bill No. 252, An Act to amend the charter of the city of Nashua relating to defining the boundaries of the wards. To the Nashua Delegation.

By Mr. Armstrong of Littleton, House Bill No. 253, An Act relative to re-examination of motor vehicle operators in certain cases. To the Committee on Transportation.

By Mr. Armstrong of Littleton, House Bill No. 254, An Act providing for the issuance of probationary motor vehicle licenses. To the Committee on Transportation.

By Mr. Henry of Concord, House Bill No. 255, An Act to extend the season for taking raccoons. To the Committee on Fish and Game.

By Mr. Rufo of Concord, House Bill No. 256, An Act relating to workmen's compensation appeals. To the Committee on Labor.

By Mr. Haskins of Lyme, House Bill No. 257, An Act increasing examination fees for the practice of accountancy. To the Committee on Executive Departments and Administration.

By Mrs. Ainley of Manchester, House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture. To the Committee on Agriculture.

By Mrs. Chase of Concord, House Bill No. 259, An Act relative to license fees for recreation camps. To the Committee on Executive Departments and Administration.

By Mrs. Chase of Concord, House Bill No. 260, An Act relative to the fees for registration of private nursery schools and kindergartens. To the Committee on Education.

By Mr. Green of Manchester, House Bill No. 261, An Act providing certain fees for approval of corporation papers by attorney general. To the Committee on Judiciary.

By Mr. Gingras of Nashua, House Bill No. 262, An Act relative to the examination and licensing of electricians. To the Committee on Executive Departments and Administration.

By Mr. Batchelder of Deerfield, House Bill No. 263, An Act relative to milk control. To the Committee on Agriculture.

By Mr. Bigelow of Warner, House Bill No. 264, An Act relative to emergency borrowing by the state treasurer. To the Committee on Executive Departments and Administration.

By Mr. Stimson of Stratford, House Joint Resolution No. 21, Joint Resolution relative to continuation of aerial geophysical survey of portions of the state. To the Committee on Appropriations.

By Mr. Casey of Manchester, House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier. To the Committee on Claims.

Reports of Standing Committees

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 90, An Act relating to the suspension of boat registrations, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "reason" in the fifth line and inserting in place thereof the words, just cause, so that said section as amended shall read as follows:

1 *Suspension of Registration.* Amend RSA 270 by inserting after section 16 the following new section: 270:16-a *Suspension of Registration.* The commission may order the suspension of any boat registration in its discretion, and without a hearing, and may order the registration to be delivered to its office, whenever it has just cause to believe that the holder thereof is physically or mentally an improper or incompetent person to operate power boats and outboard motors, or is operating improperly or so as to endanger the public or pending the investigation of any accident in which a boat or outboard motor is involved. Upon request of any person whose registration is suspended pursuant to this section the commission shall hold a hearing thereon within thirty days of such request.

The Clerk read the amendment.

The question is on the adoption of the amendment offered by the committee.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 89, An Act relating to operation of boats while under the influence of liquor, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 91, An Act relating to violation of boating laws

by juveniles, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Plourde of Pembroke, for the Committee on Public Works to whom was referred House Bill No. 100, An Act relating to a bridge or bridges across the Merrimack river in the vicinity of Nashua, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 58, An Act providing that certain minor children wear life jackets in boats, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Boats*. Amend RSA 270 by inserting at the end thereof the following new sections: 270:29 *Life Jackets*. When any child between the ages of one year and ten years is a passenger on any boat of any type, except common carriers as defined in RSA 270:2, he shall wear a life jacket of a type approved by the public utilities commission. Any person who shall carry any such child without such a life jacket in any such boat may be fined not more than ten dollars. Camps providing supervised swimming and boating programs and registered with the state department of health are exempt.

270:30 *Signs*. Renters of any boats or canoes shall post conspicuously at their places of business a sign stating "Children one to ten years required by state law to wear life jackets while in any boat."

2 *Takes Effect*. This act shall take effect sixty days after its passage.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Monahan of Hanover explained the amendment.

Mr. Oliver of Marlborough moved that House Bill No. 58 be indefinitely postponed and spoke in favor of the motion.

Messrs. Monahan of Hanover and Mr. Pillsbury of Manchester spoke against the motion.

Mr. Pillsbury of Manchester moved that the bill with pending amendment be recommitted to the committee on Resources, Recreation and Development.

Mr. Bradbury of Claremont spoke in favor of the motion.

(discussion ensued)

The question now being shall the bill be recommitted.

Mr. Hodgman of Pelham spoke against the motion.

Mrs. Davis of Concord spoke in favor of the motion.

The question is on the motion to recommit House Bill No. 58.

On a *viva voce* vote the motion prevailed and House Bill No. 58 was recommitted to the committee on Resources, Recreation and Development.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 37, An Act relative to executors of estates.

Introduction of Senate Bill

Senate Bill No. 37, An Act relative to executors of estates, was read a first and second time and referred to the Committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 69, An Act legalizing the biennial election of 1958 in the town of Cornish. Ought to pass.

House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit.

House Bill No. 37, An Act relating to nonsupport.

Mr. Geisel of Manchester offered the following concurrent resolution:

Whereas, a change in the date of opening the schools from the first week of September to the second week of September

would help the recreational activities of this state and be of great benefit to the state as a whole, now therefore,

Be it Resolved by the House of Representatives, the Senate concurring:

That the governor be and hereby is authorized to appoint a committee of three members whose duty it shall be to consult with officials of other New England states to see if arrangements can be made so that the schools will open the second week in September instead of the first week. Of said members one shall be appointed from the membership of the Senate and two shall be appointed from the membership of the House of Representatives.

The concurrent resolution was referred to the Committee on Resources, Recreation and Development.

Messrs. Kearns and King of Manchester offered the following resolution:

Resolved, That the Evans Report be distributed to the membership of the Legislature.

The resolution was referred to the Committee on Rules.

The Chair announced that today was the birthdays of Fran Tolman, Clerk of the House and Mr. Stevenson of Bethlehem.

The Chair also announced that yesterday was the 45th wedding anniversary of Mr. and Mrs. Porter of Lebanon.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that bills be read a third time by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 89, An Act relating to operation of boats while under the influence of liquor.

House Bill No. 90, An Act relating to the suspension of boat registrations.

House Bill No. 100, An Act relating to a bridge or bridges across the Merrimack river in the vicinity of Nashua.

On motion of Mrs. Berry of Barrington the House adjourned at 11:59 o'clock.

THURSDAY, FEBRUARY 19, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend George E. Jaques, First Congregational Church, Rindge, N. H.

O Thou who art the Judge of all nations, hear us as we pray for our nation and state and this group of men and women entrusted with the sacred duty of legislating for the common welfare.

Make them strong to resist the pressures that beset them, that they may be true to the trust placed in them by the citizens of this state. Help them to put their trust in Thee and find courage and guidance by Thy Spirit.

Hear us as we also pray for the recovery and health of the Secretary of State of our Nation. Amen.

Salute to the Flag

Mr. Allen of Rindge led the Convention in the Salute to the Flag.

House

Leaves of Absence

Mrs. Berry of Barrington and Miss Faulkner of Keene were granted leaves of absence for the day to attend a funeral.

Mrs. Brown of Sandwich was granted leave of absence for the day on account of important business.

Mr. Langford of Raymond was granted leave of absence for today and next Tuesday on account of important business.

Messrs. Jones of Fremont and Rollins of Alton were granted leaves of absence for the day on account of illness.

Qualified

Miss Collyer of Lisbon, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took her seat as a member of the House.

The Chair welcomed Miss Collyer of Lisbon on her appearance in the House after recovery from serious illness.

Introduction of Bills

House Bill No. 265, An Act increasing the salary of the Cheshire county attorney, was read a first and second time and referred to the Cheshire County Delegation.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to dispense with the printing of House Bill No. 265.

The Clerk read the bill in full.

Mr. Pickett of Keene moved that the rules be further suspended as to dispense with committee reference and public hearing.

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene offered the following amendment:

Amend the bill by striking out section 2 and inserting in place thereof the following:

Sec. 2 This act shall take effect upon its passage.

Mr. Pickett and Mr. McCullough of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to permit third reading and final passage of House Bill No. 265 at the present time.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 265, An Act increasing the salary of the Cheshire county attorney, was read a third time, passed, and sent to the Senate for concurrence.

House Bill No. 266, An Act legalizing a caucus held in the town of Newport, was read a first and second time, laid upon the table for printing and referred to the committee on Municipal and County Government.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to dispense with the printing, committee reference and public hearing on House Bill No. 266.

On a *viva voce* vote the motion prevailed.

Mr. Rowell of Newport moved that the rules be further suspended to permit third reading and final passage of House Bill No. 266 at the present time.

Mr. Rowell of Newport spoke in favor of the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke against the motion. On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 266, An Act legalizing a caucus held in the town of Newport, was read a third time, passed and sent to the Senate for concurrence.

Reconsideration

Mr. Rowell of Newport moved that the House reconsider its vote whereby it passed House Bill No. 266.

On a *viva voce* vote the motion did not prevail.

Reports of Standing Committees

Mr. Jenkins of New Castle, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 71, An Act relative to veterans' burial expenses, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Roberts of Conway explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Daniel of Manchester, for the Committee on Military and Veterans' Affairs, to whom was referred House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans' Association, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

The report was accepted and House Joint Resolution No. 13 was referred to the Committee on Appropriations under Rule No. 48.

Mr. Jenkins of New Castle, for the Committee on Military and Veterans' Affairs, to whom was referred Concurrent Resolution No. 4, Concurrent Resolution Memorializing Congress

relative to adequate pensions for all veterans of World War I, having considered the same, reported the same with the recommendation that the bill ought to pass.

The Clerk read the concurrent resolution in full.

At the request of Mr. Pillsbury of Manchester, Mr. Jenkins of New Castle explained the concurrent resolution.

(discussion ensued)

On a *viva voce* vote the concurrent resolution was not adopted.

Mr. Twardus of Newmarket moved that the House reconsider its vote whereby it refused to adopt the concurrent resolution.

Messrs. Twardus of Newmarket, O'Shan of Laconia, Green of Manchester, Batchelder of Deerfield, Goode of Manchester and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Jenkins of New Castle and Diffenderfer of Ossipee spoke against the motion.

Mr. Hart of Laconia moved the previous question. .

On a *viva voce* vote the motion prevailed.

The question being, shall the concurrent resolution be reconsidered.

Mr. O'Shan of Laconia requested a division vote.

A division vote being taken and 220 members voting in the affirmative and 93 members voting in the negative, the motion to reconsider prevailed.

Mr. Green of Manchester moved that the concurrent resolution be recommitted to the committee on Military and Veterans' Affairs, the motion was sufficiently seconded.

On a *viva voce* vote the concurrent resolution was recommitted to the committee on Military and Veterans' Affairs.

Mr. Eastman of Ashland, for the Committee on Municipal and County Government, to whom was referred House Bill No. 25, An Act relative to calling meetings of county executive committee, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Kinghorn of Piermont, for the Committee on Municipal and County Government, to whom was referred House Bill

No. 88, An Act relative to audits of county accounts by the tax commission, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Desnoyer of Claremont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 106, An Act relating to discharge or removal from office of county employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Bouthillier of Nashua, for the Committee on Municipal and County Government, to whom was referred House Bill No. 26, An Act providing for investigations by county executive committee, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Boisvert of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 124, An Act relative to the preparation and distribution of a manual for municipal officers, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 110, An Act relative to town aid to veterans, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of said bill by inserting after the words "marine corps" in the third and sixth lines, the words, coast guard, so that said section as amended shall read as follows:
1 *Veterans' Relief*. Amend RSA 165:5 by striking out the words "or navy, including the marine corps" and inserting in place thereof the words, navy, including the marine corps, coast guard, or the air force, so that said section as amended shall read as follows: 165:5 *Who Entitled*. Whenever any person, resident in this state, who served in the army, navy, in-

cluding the marine corps, coast guard, or the air force, of the United States, in any war, insurrection, campaign, or expedition in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of the poor or the county commissioners shall deem proper.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Sabluski of Nashua, for the Special Committee consisting of the members from the city of Nashua, to whom was referred House Bill No. 211, An Act relative to the board of aldermen of the city of Nashua, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Pappagianis and Mrs. Cole of Nashua, for the undersigned, a minority of the Special Committee consisting of the delegation from the City of Nashua, to whom was referred House Bill No. 211, An Act relative to the board of Aldermen of the city of Nashua, having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Pappagianis of Nashua moved that the report of the minority "ought to pass" be substituted for the words "inexpedient to legislate".

Mr. Pappagianis and Mrs. Cole of Nashua spoke in favor of the motion.

Messrs. Sablusky, Griffin, Gingras and Mrs. Cooper of Nashua spoke against the motion.

Mr. Pappagianis and Mrs. Cole of Nashua spoke a second time in favor of the motion.

On a *viva voce* vote the motion was not adopted.

On a *viva voce* vote the resolution of the committee was adopted.

Reconsideration

Mrs. Cooper of Nashua moved that the House reconsider its vote whereby it adopted the resolution of the committee on House Bill No. 211.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Sablusky of Nashua, for the Special Committee consisting of the members from the city of Nashua to whom was referred House Bill No. 209, An Act relative to the budget powers of the board of aldermen of the city of Nashua, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 150, An Act designating Lake Francis as public water, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Monahan of Hanover explained the vote of the committee.

On a *viva voce* vote the resolution was adopted.

Taken from the Table

House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities, was taken from the table.

The question being, shall the majority report "ought to pass with amendment" (1) or the minority report "ought to pass with amendment" (2) be referred to the committee on Appropriations under Rule No. 49.

Mr. McGee of Lincoln moved that the report of the minority be substituted for the report of the majority.

Mr. McGee of Lincoln spoke in favor of the motion.

Mr. McGee of Lincoln withdrew his motion to substitute.

(discussion ensued)

On a *viva voce* vote the report of the majority was accepted and House Bill No. 6 was referred to the committee on Appropriations.

Mr. Hart of Laconia moved that the rules of the House be so far suspended as to vacate the reference of House Bill No. 6 to the Appropriations committee.

Mr. Hart of Laconia spoke in favor of the motion.

Mr. Gilman of Farmington and Mr. Plumer of Bristol spoke against the motion.

Mr. Hart of Laconia withdrew his motion.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 265, An Act increasing the salary of the Cheshire county attorney.

House Bill No. 266, An Act legalizing a caucus held in the town of Newport.

Committee on Engrossed Bills Report

Mr. Lacasse of Berlin, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House Bills:

House Bill No. 37, An Act relating to nonsupport.

House Bill No. 69, An Act legalizing the biennial election of 1958 in the town of Cornish.

House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit.

The report was accepted.

Mr. Maloomian of Somersworth and Mr. Hancock of Concord offered the following resolutions:

Whereas, this year marks the addition of a new star to the flag of the United States of America, and

Whereas, Alaska has tried vainly for many years to become the forty-ninth state, therefore be it

Resolved, by the members of the New Hampshire House of Representatives in General Court convened, that we do hereby congratulate this, our youngest state, and offer our felicitations in her acceptance by Congress as a state, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to the Governor of Alaska.

On a *viva voce* vote the resolutions were adopted.

Mr. Clement of Rochester for the Strafford County Delegation offered the following resolutions:

Whereas, we have learned with regret of the passing of our former fellow representative, Burt R. Cooper of Rochester, and

Whereas, this state has lost a valuable citizen who has served as a member of the Governor's council and as County Solicitor for the County of Strafford and in many other capacities in state, county and city affairs, therefore be it

Resolved, That we, the members of this House of Representatives do hereby extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Cooper.

On a rising vote the resolutions were unanimously adopted.

Mr. Deans of Milford offered the following resolution :

Resolved, That the sessions of the House of Representatives for the week during which town meetings occur shall be held on Wednesday, Thursday and Friday, namely, March 11th, 12th and 13th, 1959.

On a *viva voce* the resolution was adopted.

Mr. Pickett of Keene moved that the Governor, Wesley Powell, be given a personal invitation to meet in Joint Convention to listen to the A Capella Choir of Stevens High School, Claremont on Wednesday, February 25, 1959.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

At the request of Mrs. Cole of Nashua, Mr. Roberts of Conway explained House Bill No. 71.

The following House Bills were severally read a third time, passed and sent to the Senate for concurrence :

House Bill No. 71, An Act relative to veterans' burial expenses.

House Bill No. 106, An Act relating to discharge or removal from office of county employees.

House Bill No. 110, An Act relative to town aid to veterans.

On motion of Mrs. Blanchette of Dover the House adjourned at 1:19 o'clock.

TUESDAY, FEBRUARY 24, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O Thou, Who art the help of the helpless, our sustaining inner resource in our prayers this morning, we are humble before the earnest hope and the determined strivings extended by the people of our State to find two men lost in the wilderness. We pray that a constancy of faith may bless those who hold these two men closest to their hearts.

May this united concern for human life deepen within us a renewal of our commitment to man's service and a quickening of our reverence of Thee. Amen.

Salute to the Flag

Mr. Desnoyer of Claremont led the Convention in the salute to the flag.

The House and Senate in Joint Convention listened with pleasure to the A Cappella Choir of Stevens High School of Claremont, under the directorship of their leader, Walter S. Paskevich.

On motion of Senator Vaughan of District No. 8 the Convention rose.

House

The Chair introduced Troop 87, Boy Scouts from Concord, courtesy of the Concord Delegation.

Leaves of Absence

Messrs. Dusseault of Berlin, Gordon of Sandown and Comi of Concord were granted leaves of absence for the day on account of illness.

Mr. Lafond of Hooksett was granted leave of absence for the day on account of sickness in the family.

Mr. Drew of Farmington was granted leave of absence for the day on account of important business.

Mrs. Julia White of Portsmouth, Ward 4 was granted leave of absence for the week on account of illness.

Mr. Bradley of Hanover was granted leave of absence for two weeks on account of important business.

Introduction of Bills

The following bills and House joint resolution were severally introduced, read a first and second time and referred as follows:

By Mr. Batchelder of Deerfield, House Bill No. 267, An Act to extend the scope of operation of the University of New Hampshire. To the Committee on Education.

By Mr. Willey of Campton, House Bill No. 268, An Act relative to compulsory tests for intoxication. To the Committee on Judiciary.

By Mrs. DeLude of Unity and Mr. Pillsbury of Manchester, House Bill No. 269, An Act providing for per-pupil grants to local school districts. To the Committee on Education.

By Mr. Woodman of Concord, House Bill No. 270, An Act relating to group life insurance. To the Committee on Insurance.

By Mr. Gove of Concord, House Bill No. 271, An Act relative to the fees for licenses to carry pistols and revolvers. To the Committee on Municipal and County Government.

By Mr. Nelson of Hopkinton, House Bill No. 272, An Act relating to bank holding companies. To the Committee on Banks.

By Mr. Willey of Campton, House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles. To the Committee on Transportation.

By Mr. Kearns of Manchester, House Bill No. 274, An Act relating to the approval of the executive committee in certain

county matters. To the Committee on Municipal and County Government.

By Mr. Chandler of Bartlett, House Bill No. 275, An Act relative to the practice of medicine and licensing provisions. To the Committee on Public Health.

By Mr. Coutermarsh of Lebanon, House Bill No. 276, An Act relative to the crews of railroad locomotives, trains and other self-propelled engines or machines. To the Committee on Transportation.

By Mr. Oliver of Marlborough, House Bill No. 277, An Act relative to local civil defense emergencies. To the Committee on Judiciary.

By Mr. Bradley of Hanover and Mr. Malley of Somersworth, House Bill No. 278, An Act to provide revenue for cities and towns. To the Committee on Ways and Means.

By Mr. Hunter of Hampton, House Joint Resolution No. 23, Joint Resolution to provide protection for Boar's Head at Hampton. To the Committee on Appropriation.

Concurrent Resolution

Mrs. Lord of Gilford offered the following concurrent resolution:

Whereas, Penny Pitou of Gilford has gained world renown as a skier, and

Whereas, Miss Pitou is the ninth in the ten most able skiers of the world and champion of the state of New Hampshire, therefore be it

Resolved, That the House of Representatives, the Senate concurring, hereby wish to present Miss Pitou to the joint convention on Wednesday, February 25 at 11:00 o'clock.

On a *viva voce* vote the concurrent resolution was adopted.

Reports of Standing Committees

Mr. Jenkins of Hampton, for the Committee on Elections to whom was referred the resignation of Arthur Simonds of Lancaster, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the report was accepted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House

Bill No. 131, An Act relative to registration fees of motor boats and outboard motors, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 15, An Act amending the charter of the New Hampshire Centennial Home for the aged, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out said title and inserting in place thereof the following:

Relative to the charters of the New Hampshire Centennial Home for the Aged and the Elliott Hospital of the City of Manchester.

Amend the bill by inserting after section 1 the following new section: 2 *Elliot Hospital*. Amend section 2 of chapter 178 of the Laws of 1881 as amended by chapter 309 of the Laws of 1909 and chapter 270 of the Laws of 1941 by striking out the words "one million five hundred thousand" in the eighth line and inserting in place thereof the words, five million so that said section as amended shall read as follows: Sect. 2. Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing care, support, and medical and surgical treatment of sick and disabled people, as are usually provided and furnished by similar institutions; and for such purposes may acquire and hold by lease, purchase, donation, deed, will, or otherwise, real and personal estate not exceeding in value five million dollars; and said institution being in the nature of a public charity, its property shall be exempted from taxation.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 24, An Act relative to the destruction of records of the teachers' retirement system, having considered the same,

reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Monahan of Hanover, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 11, An Act relative to engineering studies for future supplies of water for domestic uses, having considered the same, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the committee on Resources, Recreation and Development.

The report was accepted and House Bill No. 11 in new draft was read a first and second time, laid on the table to be printed and referred to the committee on Resources, Recreation and Development.

Mrs. Gordon of Jaffrey, for the Committee on Ways and Means to whom was referred House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Messrs. Morris, Kearns, Casey and Dion of Manchester and Sablusk of Nashua, for the undersigned, a minority of the Committee on Ways and Means to whom was referred House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon, having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

The reports were accepted.

Mr. Dion of Manchester moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Inexpedient to Legislate".

Mr. Pickett of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Chandler of Bartlett moved that House Bill No. 28 be indefinitely postponed.

Messrs. Chandler of Bartlett, Thompson of Wilmot, Deans of Milford and Crosby of Hillsborough spoke in favor of the motion.

(discussion ensued)

Mr. Coutermarsh of Lebanon and Mr. Pickett of Keene spoke against the motion.

The question is on the motion to indefinitely postpone House Bill No. 28.

On a *viva voce* vote the motion did not prevail.

Mr. Gilman of Farmington requested a division vote.

A division vote was taken and 158 members having voted in the affirmative and 174 members voting in the negative the motion to indefinitely postpone did not prevail.

Mr. McCullough of Keene demanded the Yeas and Nays.

Yeas, 171

CHESHIRE COUNTY: Washburn, Pike, Gordon of Jaffrey, Spofford, Haley, McCullough, Bennett, Miskelly, Oliver, Allen, Hackler, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Phillips, Marx, Wirkkala, Bailey, Rowell, Spalding, Merrifield.

GRAFTON COUNTY: Gilbert, Plumer, Hayward of Hanover, Monahan, Neale, McMeekin, Clement of Landaff, Porter, Whipple, Burrill, Kelley, Haskins, Johnson of Monroe, Bell, Loizeaux, Davis of Woodstock.

COOS COUNTY: Emerson, Kimball of Jefferson, Swett, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Persson, Spollett of Chester, Bisbee, Clark, Collishaw, Eastman of Exeter, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Sanborn of Hampton Falls, Long, Shepard, Cheney, Carter, Palmer of Plaistow, Foote, Murch, Wardwell, Carkin, Philbrick of Rye, Roulston, Willis, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Wiggin of Dover, Dunnington, Stonemetz, Colbath, Richardson, Bevan, Chase of Durham,

Littlehale, Gilman of Farmington, Moulton, Maxfield, Johnson of Rochester, Clement of Rochester, Varney, Malley.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Hart of Laconia, Lacaille, Ayre of Laconia, Prescott of Laconia, Burbank, MacIsaac, Verrell, Pickering of Meredith, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Clafin.

MERRIMACK COUNTY: Phelps, Flynn, Moore, Bates, Davis of Concord, Henry, Woodman, Lessels, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Rufo, Carr, Boomhower, Gilman of Franklin, Charland, Leonard, Mulaire, Nelson, Presby, London, Ayer of Pittsfield, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Aucella, Herrick, Hambleton, Poor, Taft, Crosby, Goodwin, Legallee, Ainley, Green, Lang, Pettigrew, Geisel Pillsbury, Martel of Manchester, Ward 3; Peaslee of Merrimack, Deans, Hayward of Milford, Cole, Cooper, Saunders, Underhill, Pappagianis, Locke, Hodgman, Dutton, Rice, Eastman of Weare.

Nays, 178

CHESHIRE COUNTY: O'Neil of Chesterfield, Turner, Stearns, Keating, Terrill, Brown of Keene, Kretowicz, Pickett, Forbes, Bouvier, Congdon, Galloway.

SULLIVAN COUNTY: Gaffney, Russell, Angus, Nahil, Burrows, D'Amante, Desnoyer, Brown of Newport, Philbrick of Springfield, Delude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Willey, Graham of Canaan, Sanborn of Enfield, Larty, Beard, Coutermarsh, Guay of Lebanon, McGee, Collyer, Armstrong of Littleton, Birch, Cushman, Kinghorn, Barney, Bradley of Thornton.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Brungot, Christiansen, Bouchard, Gagnon, Lacasse of Berlin, March, Crockett, Graham of Gorham, Potter, Bushey, Converse, Emery, Stinson.

ROCKINGHAM COUNTY: Gay of Derry, Kimball of Derry, Blair, Junkins, Palmer of Kensington, Jenkins, Sheehy, Labranche, Twardus, Pinkham, Dondero, Keefe, Wood, Dame, Blaisdell, White of Portsmouth, Ward 5; Ingraham, Cross, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Blanchette, Leighton, Desjardins, Calcutt, Flanagan, Randall, Reid, Rolfe, Hartigan, Lacasse of Rochester, St. Pierre, Boisvert of Rollinsford, Habel, Cormier, Vincent.

BELKNAP COUNTY: Harkins, Normandin, O'Shan.

CARROLL COUNTY: Roberts, Stokes, Blanchard, Duchano, Chamberlain of Wolfeboro,

MERRIMACK COUNTY: Guilbeault, LaFlamme, Dowd, Hancock, Thomson of Franklin, Carpenter, Burleigh, Plourde, Thibeault of Pembroke, Hunt, Stone.

HILLSBOROUGH COUNTY: Farwell, Branch, Nickerson of Goffstown, Daneault, Gallagher, Gamache, Goode, Hart of Manchester, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5; Manning, Walsh, Armstrong of Manchester, Casey, Ecker, Healy of Manchester, Ward 6; O'Connor, Lafrance, LeClerc, Tessier, Champagne, Compagna, Delisle, Lavoie, Pelissier, Cary, Morris, Belanger, Bergeron, Kearns, King, Hurley, LaFond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12; Maston, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Falconer, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Ryan, Bissonnette, Bouley, Grandmaison, Latour, Sabliski, Bouthillier, Thompson of New Ipswich, Draper.

Mr. Ballam of Walpole voting No paired with Mr. Stevenson of Bethlehem voting Yes.

Mr. Kimball of Manchester voting No paired with Mr. Peever of Salem voting Yes.

The roll call having been taken, 171 members voting in the affirmative, and 178 members having voted in the negative, the motion to indefinitely postpone did not prevail.

The question now being on the motion to substitute the words "Ought to Pass" for the words "Inexpedient to Legislate."

Messrs. Gilman of Farmington and Mr. Clement of Rochester spoke against the motion.

Mr. Pickett of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

Mr. Clement of Rochester requested a division.

A division being had, 179 members voting in the affirmative and 176 members having voted in the negative the motion to substitute prevailed, and the bill was sent to the committee on Appropriations under Rule No. 49.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider their vote whereby the minority report "Ought to Pass" was substituted for the majority report "Inexpedient to Legislate" and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 265, An Act increasing the salary of the Cheshire county attorney.

House Bill No. 266, An Act legalizing a caucus held in the town of Newport.

Mrs. Frizzell of Charlestown, for the Sullivan County Delegation offered the following resolutions:

Whereas, we have learned of the accident which befell Representative Fred Davis, and his wife, of Cornish on their way home from Legislature, and

Whereas, Mr. Davis is recuperating in the Hanover hospital, therefore be it

Resolved, That we, the members of the House of Representatives, hereby extend our condolence to Mr. Davis and his wife, on their injuries and with our hope for their speedy recovery, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Davis.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Aucella of Bennington offered the following resolutions:

Whereas, we have learned of the death of Former Representative Edward C. Black of Bennington, and

Whereas, Mr. Black served his nation, state, county and town in many capacities and was held in high esteem by all who knew him, therefore be it

Resolved, That we, the members of the House of Representatives, hereby extend our sincere sympathy to his family in its bereavement, and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to Mrs. Black.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time and sent to the Senate for concurrence:

House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association.

Senate Bill No. 15, An Act amending the charter of the New Hampshire Centennial Home for the Aged, and the Elliot Hospital of the City of Manchester, was read a third time and sent to the Senate for concurrence in the House amendment.

Senate Bill No. 24, An Act relative to the destruction of records of the teachers' retirement system was read a third time and sent to the Secretary of State for engrossing.

On motion of Mrs. Richardson of Dover the House adjourned at 1:04 o'clock.

WEDNESDAY, FEBRUARY 25, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Orloff W. Miller, of The Federated Church of Frankestown.

"We pause, to hear the silence of Creation:
the hushed pulse of a crowded room,
the quiet beauty of snow-covered lands,
the peaceful protection of enveloping skies,
the soundless expanse of outer-space.

We pause, to ponder man's place in this silence:
a fumbling human in a complex society,
a groping state in a confused nation,
a struggling humanity on a shrunken globe — and yet,
a divine spark in an infinite universe!

We pause in humble awe before the silence of Creation!"

Salute to the Flag

Mrs. Long of Kingston led the Convention in the salute to the Flag.

Introduction of Guests

The Speaker introduced Penny Pitou to the Joint Convention.

Speaker's Remarks

This morning it gives us a great deal of pleasure to introduce a guest to this joint convention. One of our very own celebrated youths who has in the past year and a half represented the United States in Europe at the many meets that have been held in the great field of skiing, Penny Pitou.

Our guest has grown up in our fair state and is a great exemplification of our youth. We are proud to have you here this morning, Penny, and to offer you this opportunity to address this joint convention . . . Penny Pitou.

Remarks of Penny Pitou

Well, you really caught me off guard. I have just arrived this morning about 8:30 on the plane from London, England having been on the plane seventeen hours. I am having

trouble with my English because I have been speaking German for a year and a half so if I come out with some funny sentences you will know why.

I want to thank you all for this wonderful warm reception that I have had here in the states. About three weeks ago I think it was printed in the papers that I felt that the Americans didn't care and that no one went to the races, etc. etc. but I take that all back. It is wonderful. I mean I have been fortunate enough to meet the Governor of New Hampshire and I even got a telegram from President Eisenhower. It has been almost too wonderful to believe.

I notice in the gallery today there are many children. When I was that young I don't think I realized what it meant to be an American — really what it meant. I always figured, well, I was born in New Hampshire; I was raised here and I learned to ski here. Well, I am pretty lucky! What the heck, everybody is just the same as I am. But you just travel around the world. You should travel through Austria, Switzerland, France, to Germany, to Poland, where I got this jacket by the way, and to Norway. You should see how the children live. They also are happy because they don't know what it's like to be an American, but I do and I have seen how they live . . . (Oh, brother.)

About three weeks ago my parents sent quite a large box of American toys to a family in Austria. The family included two small boys. They had never seen toys from America and it was ordinary things like those plastic boats you put together. Things like that. One of those bongo board type things where you bang the ball around and water guns, of course, and of course some sort of toy harmonicas, etc, and they just had the most wonderful time of their lives playing with those American toys, and I just wonder how many of you really appreciate it when you can go down to the store and get a water gun and squirt your mother in the eye. If you have a mother who can stand that sort of thing. They have never seen things like that and children all over the world really would love to be in your shoes . . . many of them.

Now that I am here I honestly can't believe I am back in New Hampshire. Here, everybody speaks American, not English but American. There's a difference they say in England. We all have the same kind of accent and nobody speaks French and nobody speaks German and I can speak

English just as fast as I want to and everybody understands me. Honestly, it is wonderful and I thank you all very much again from the bottom of my heart and I hope in Stowe in the next two try-out races for the Olympics and also any Olympics, if I make the team that I can stay on my feet instead of my face and live up to your expectations.

On motion of Senator Rogers from District No. 6 the Convention rose.

House

The Chair announced that the House had as its guests this morning 50 good citizens, girls chosen from the senior classes of our High Schools. This project is sponsored by the Daughters of the American Revolution. Mrs. Forest Lang, State Regent and Miss Alma Gallagher, State Chairman of the Good Citizen Committee accompanied them.

The Chair also announced that the House had as its guests a group of Campfire Girls from Dover and Rollinsford under the leadership of Mrs. Joseph McKeon and staff.

The Chair also announced that the House had as its guests a group of students from Lebanon and West Lebanon High Schools in Charge of Mr. Marin.

Leaves of Absence

Mr. Hart of Manchester was granted leave of absence for the day on account of important business.

Mr. Lafond of Hooksett was granted leave of absence for the week on account of sickness in the family.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally read a first and second time, laid on the table for printing and referred as follows:

By Mr. Presby of Loudon, House Bill No. 279, An Act relative to purchase and selling of live poultry. To the Committee on Agriculture.

By Mr. Hunter of Hampton, House Bill No. 280, An Act relative to fines for overtime parking at state owned parking areas at Hampton Beach. To the Committee on Resources, Recreation and Development.

By Mrs. Griffin of Auburn, House Bill No. 281, An Act relative to the term of office of town auditors in certain cases. To the Committee on Municipal and County Government.

By Mr. McMeekin of Haverhill and Mr. King of Manchester, House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax reassessment. To the Committee on Judiciary.

By Mrs. Chase of Concord, House Bill No. 283, An Act relating to the simplification of fiduciary security transfers. To the Committee on Judiciary.

By Mr. Willey of Campton and Mr. Kretowicz of Keene, House Bill No. 284, An Act authorizing the fish and game director to prescribe seasons for taking of game. To the Committee on Fish and Game.

By Mrs. DeLude of Unity, House Bill No. 285, An Act ratifying the northeastern water and related land resources compact. To the Committee on Resources, Recreation and Development.

By Mr. Plourde of Pembroke, House Joint Resolution No. 24, Joint Resolution relative to camping facilities at Bear Brook state park. To the Committee on Resources, Recreation and Development.

By Mr. Branch of Goffstown, House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood. To the Committee on Public Health.

By Mrs. Frizzell of Charlestown, House Joint Resolution No. 26, Joint Resolution providing an appropriation toward reconstruction of Fort at Number Four. To the Committee on Appropriation.

By Mr. Walsh of Manchester, House Joint Resolution No. 27, Joint Resolution providing for a zoo at Mt. Sunapee state park. To the Committee on Resources, Recreation and Development.

Committee Reports

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 64, An Act relative to the practice of professional engineering, having considered the same, reported the same

with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph (a) of RSA 319:13, as amended by section 3 of the bill by inserting after the word "evidence" in the ninth line the words, of experience, so that said paragraph (a) as amended shall read as follows:

(a) Graduation in an approved engineering curriculum of four years or more, as approved by the board as of satisfactory standing, and the successful passing of a written, or written and oral, examination in fundamental engineering subjects, all of which are preliminary requirements; and, in addition to the preliminary requirements, a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice professional engineering, provided that in a case where the evidence of experience presented in the application does not appear to the board conclusive nor warranting the issuing of a certificate of registration, the applicant may be required to present further evidence for the consideration of the board, and also may be required to pass an oral or written examination, or both, as the board may determine; or

Amend paragraph (c) of said RSA 319:13 as amended by said section 3 of the bill by striking out in the first line the word "fifteen" and inserting in place thereof the word, twelve; by striking out in the fifth line the word "forty" and inserting in place thereof the word, thirty-five; and by striking out in the ninth line the words "in engineering economics, practice and design," so that said paragraph (c) as amended shall read as follows:

(c) A specific record of twelve years or more of practice in professional engineering work of a character satisfactory to the board and indicating that the applicant is qualified to design and to take responsible charge of construction of engineering works; provided applicant is not less than thirty-five years of age, and provided that in a case where the evidence presented in the application does not appear to the board conclusive nor warranting the issuance of a certificate of registration, the applicant may be required to pass an oral or written examination, or both, as the board may determine.

Amend paragraph (d) of RSA 319:13 as inserted by section 3 of the bill by striking out in the first line the word "made"; by striking out in the first and second lines the words "application for"; and by striking out in the second and third lines the words "shall be a citizen of the United States and" so that said paragraph (d) as amended shall read as follows:

(d) An applicant for registration, who has no registration in another state or country, shall be a resident of this state or have a position of permanent employment herein.

Amend RSA 319:22-a, as inserted by section 7 of the bill, by striking out in the third line the words "during the month of June" and inserting in place thereof the words, prior to the first day of June in each year, so that said section as amended shall read as follows:

319:22-a *Determination of Fee.* The Board shall annually, prior to the first day of June in each year, beginning in June, 1959, determine the normal annual fee to be paid for renewals of certificates. Said normal renewal fee shall not be less than two dollars nor more than five dollars.

Further amend the bill by striking out section 14 and renumbering sections 15 and 16 to read sections 14 and 15 respectively.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 6, An Act relative to information required on local tax bills, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Chandler of Bartlett, Mr. McMeekin of Haverhill explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Roberts of Conway, for the Committee on Judiciary, to whom was referred House Bill No. 8, An Act relative to civil defense powers of the governor to provide emergency lines of succession of appointive state offices, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Green of Manchester, for the Committee on Rules, to whom was referred Concurrent Resolution inviting Dr. Mark B. Strickland to address the General Court, having considered the same, reported the same with the following amendment, and the recommendation that the Concurrent Resolution as amended ought to pass.

Amend the Concurrent Resolution inviting Dr. Mark B. Strickland of Manchester to address the House and Senate by striking out the words and figures "Tuesday, February 24" and inserting in place thereof the words, on some subsequent Wednesday as soon as possible, so that said Concurrent Resolution shall read as follows:

Be it Resolved by the House of Representatives, the Senate concurring. That Doctor Mark B. Strickland of Manchester be asked to address the House and Senate in joint convention on some subsequent Wednesday as soon as possible on the subject "Twenty Days Behind the Iron Curtain."

On a *viva voce* vote the amendment was adopted.

The question now being on the adoption of the concurrent resolution as amended.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

Mr. Thompson of New Ipswich, for the Committee on Transportation to whom was referred House Bill No. 104, An Act relative to maximum length of motor vehicles, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Terry of Westmoreland explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

SB 25, An Act to make unlawful certain political activity in the vicinity of polling places.

Introduction of Senate Bill

Senate Bill No. 25, An Act to make unlawful certain political activity in the vicinity of polling places, was read a first

and second time, laid on the table and referred to the Committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

HB 35, An Act relating to bail and recognizances and justices of the peace.

HB 34, An Act increasing the salary of the justice of the Portsmouth municipal court.

HB 123, An Act authorizing the Salem school district to exceed its debt limit and incur indebtedness not to exceed eight hundred fifty-five thousand dollars.

HB 53, An Act providing for the assessment and collection of a special head tax for the state purposes.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled Concurrent Resolution sent up from the House of Representatives.

Whereas, Penny Pitou of Gilford has gained world renown as a skier, and

Whereas, Miss Pitou is the ninth in the ten most able skiers of the world and champion of the State of New Hampshire, therefore be it

Resolved, *That the House of Representatives, the Senate concurring*, hereby wish to present Miss Pitou to the Joint Convention on Wednesday, February 25, at 11:00 o'clock.

Resolutions

Mr. Underhill of Nashua, for the Nashua Delegation, offered the following resolutions:

Whereas, we have learned of the passing of former Representative Francis P. Murphy of Nashua, and

Whereas, Mr. Murphy was a former Governor of the State of New Hampshire and a former member of the Governor's Council, as well as serving in various capacities having to do with the welfare of his beloved state, and

Whereas, this former public servant was well known for his many philanthropies throughout the state and for his interest in bringing new business to the state, therefore be it

Resolved, That we, the members of this House of Representatives, in General Court convened, do hereby pay tribute to his services to his community and state and express our sorrow in the loss sustained by his family, and be it further

Resolved, That the Clerk be instructed to transmit a copy of these resolutions to his family.

On a standing vote the resolutions were unanimously adopted.

Mrs. Weeks of Greenland offered the following resolutions:

Whereas, we have learned of the death of former Representative Arthur J. Sewall of Greenland, and

Whereas, Mr. Sewall was active in serving his community for many years in various capacities, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby extend our sympathy to the members of Mr. Sewall's family in its bereavement, and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to Mrs. Sewall.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Wardwell of Portsmouth offered the following resolutions:

Whereas, today, the 25th day of February, marks the seventy-first anniversary of one of America's most famous statesmen, John Foster Dulles, and

Whereas, Mr. Dulles has served his country with unflinching devotion to duty and has contributed much to humanity and to the World at large, therefore be it

Resolved, That we, the members of the New Hampshire House of Representatives, in General Court convened, do hereby offer our congratulations to Mr. Dulles on his anniversary together with a hope for his speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mr. Dulles.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair extended congratulations to Mr. Styles of Northumberland on his recent marriage.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns to-day it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

Senate Bill No. 6, An Act relative to information required on local tax bills, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 64, An Act relative to the practice of professional engineering.

House Bill No. 8, An Act relative to civil defense powers of the governor to provide emergency lines of succession of appointive state officers.

House Bill No. 104, An Act relative to maximum length of motor vehicles.

On motion of Mrs. Moulton of New Durham the House adjourned at 11:46 o'clock.

THURSDAY, FEBRUARY 26, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Vernon C. French, pastor of the First Methodist Church of Rochester, N. H.

Our Father God, thou has created us to live, not only for ourselves alone, but also for others and more especially for Thee. The desire to serve ourselves, our desire to be of service to others and our desire to be of service to Thee often creates confusion within our hearts and minds as these desires conflict with each other and we are torn in opposing directions by these various desires.

Give us, O Lord, a common purpose and goal which will unite within each one of us and between us the various de-

sires to serve that are ours, that the service we render may lift the level of our individual lives, may enhance the existence of our fellowmen, and may bring nearer to fulfillment the coming of Thy Kingdom on earth.

Grant this we pray, in the name of Him whose life witnessed to the joy and blessing of unity of purpose within one's self and harmony of His will with Thine; even Jesus Christ, our Lord. Amen.

Salute to the Flag

Mr. Clement of Rochester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair announced that a group of Happy Hearts 4 H Club members from Lyndeborough with Mrs. Marion Reynolds were guests of the House today.

The Chair also announced that a group of Patrol Leaders from the Milford School were guests of the House in charge of Sgt. Eastman of the Milford Police Department.

Leaves of Absence

Mrs. St. Pierre of Rochester and Mr. Merrill of Exeter were granted leaves of absence for the day on account of illness.

Messrs. Peever of Salem and Geisel of Manchester were granted leaves of absence for the day on account of important business.

Introduction of Bills

The following House Bills were severally read a first and second time, laid on the table for printing, and referred as follows:

By Mrs. Frizzell of Charlestown, House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state. To the Committee on Education.

By Mr. Gilman of Farmington, House Bill No. 287, An Act relative to harness race receipts. To the Committee on Executive Departments and Administration.

By Mr. Deans of Milford, House Bill No. 288, An Act relating to defamation by radio or television. To the Committee on Judiciary.

By Mr. Murch of Portsmouth, House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds. To the Committee on Public Health.

By Mr. Smith of Exeter, House Bill No. 290, An Act relative to the destruction of records of conditional sales and chattel mortgages. To the Committee on Municipal and County Government.

By Mr. McIsaac of Laconia, House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies. To the Committee on Insurance.

By Mr. Rolfe of Rochester, House Bill No. 292, An Act empowering the authorized representative of the estate of Albert Manchester to apply for Korean bonus. To the Committee on Military and Veterans' Affairs.

By Miss Collyer of Lisbon, House Bill No. 293, An Act establishing a run-off primary. To the Committee on Judiciary.

Reconsideration

Mr. Pickett of Keene served notice of reconsideration on Senate Bill No. 6, An Act relative to information required on local tax bills.

Committee Reports

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 3, An Act providing for the elimination of apprentices under the law relative to beauty parlors, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 4, An Act relative to the licensure of New Hampshire hairdressers who have attended school in other states, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Prohibition.* Amend RSA 249:27 by striking out the word "more" in the seventh line and inserting in place thereof the word, less, and by adding after the word "dollars" the words, nor more than one hundred dollars, so that said section as amended shall read as follows: 249:27 *Throwing, Depositing and Dumping of Refuse: Penalty.* If any person shall put or place, or cause to be put or placed, in or upon any highway, street, square, lane, alley, public bathing place or the approaches thereto, or into any public waters, streams or watercourse or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof or refuse of any nature whatsoever or any noxious thing he shall be fined not less than twenty-five dollars nor more than one hundred dollars. Provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Claflin of Wolfeboro explained the bill.

(discussion ensued)

Mr. Batchelder of Deerfield spoke in favor of the bill.

Mr. Martel of Manchester, Ward 3, moved that House Bill No. 16 be indefinitely postponed.

Mr. Martel of Manchester, Ward 3, spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

The question now being, Shall the amendment be adopted?

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Cormier of Somersworth, for the Special Committee consisting of the members from the city of Somersworth, to whom was referred House Bill No. 80, An Act relative to the

salary of the justice of the Somersworth municipal court, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fifth and twenty-fifth lines the words "two thousand" and inserting in place thereof the words, twelve hundred, so that said section as amended shall read as follows:

1 *Somersworth Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1; 1957, 66:1, 83:1, 108:1, 125:1, 175:1, 209:1, 227:1, 234:1 and 243:1, by striking out the words "In Somersworth, eight hundred dollars" and inserting in place thereof, In Somersworth, twelve hundred dollars, so that said paragraph as amended shall read as follows: 1. Salaries of justices of municipal courts shall be paid from the treasury of the city or town in which such courts are located, may be paid quarterly or monthly, and shall be in the following sums per annum:

In Manchester, five thousand one hundred dollars;
In Nashua, four thousand dollars;
In Concord, three thousand five hundred dollars;
In Portsmouth, three thousand dollars;
In Dover, two thousand five hundred dollars;
In Laconia, three thousand dollars;
In Keene, two thousand five hundred dollars;
In Claremont, two thousand three hundred dollars;
In Berlin, twenty-two hundred dollars;
In Rochester, one thousand eight hundred dollars;
In Lebanon, one thousand five hundred dollars;
In Newport, one thousand one hundred and fifty dollars;
In Derry, twelve hundred dollars;
In Franklin, one thousand two hundred dollars;
In Exeter, twelve hundred dollars;
In Somersworth, twelve hundred dollars;
In Littleton, eight hundred dollars;
In Hampton, one thousand dollars;
In Milford, six hundred dollars;
In Haverhill, eight hundred dollars;
In Salem, one thousand dollars.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. DeLude of Unity requested unanimous consent of the House to vacate all proceedings on Senate Bill No. 6, An Act relative to information required on local tax bills, after second reading. No objections being heard the bill was put on second reading.

Mr. Chandler of Bartlett offered the following amendment:

Amend section 1 of said bill by inserting at the end thereof the following: Any town, through its selectmen, may request that the tax commission compute the rates which will appear on the tax bills as provided hereunder and upon said request the tax commission shall furnish the required information, so that said section as amended shall read as follows:

1 *Notice to Taxpayer.* Amend RSA 76 by inserting after section 11 the following new section: 76:11-a *Information Required.* The tax bill which is sent to every person taxed, or his agent, if known, as provided in section 11, shall show the rate for municipal, school and county taxes separately. Any town, through its selectmen, may request that the tax commission compute the rates which will appear on the tax bills as provided hereunder and upon said request the tax commission shall furnish the required information.

Mr. Chandler of Bartlett and Mr. Pickett of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in its amendments to the following entitled bill sent up from the House of Representatives.

Senate Bill No. 15, An Act amending the charter of the New Hampshire Centennial Home for the Aged and the Elliot Hospital of the City of Manchester.

Resolutions

Mr. Chandler of Bartlett, for the Committee on Ways and Means, offered the following resolutions:

Whereas, there is now pending before the House of Representatives, House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities, and

Whereas, questions have been raised concerning its constitutionality, therefore be it

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

(1) Does said bill conflict with or violate the New Hampshire Constitution in any of its provisions?

(2) If the answer to question (1) is in the negative, would the answer be the same if the rate of taxation specified in line 4 of page 3 of said bill were set at eight per cent rather than three per cent, and be it further

Resolved, That the Speaker of the House transmit to the Clerk of the Supreme Court six copies of this resolution and of House Bill No. 165.

Mr. Chandler of Bartlett spoke in favor of the resolutions. On a *viva voce* vote the resolutions were adopted.

Mr. Bates of Chichester and Mr. Carr of Epsom offered the following resolutions:

Whereas, Ralph E. Towle of Epsom has passed away, and

Whereas, he was a former Representative from Epsom, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, pay tribute to our former fellow member for his services to his town, county and state, and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to Mr. Towle's daughter, Mrs. Maude T. Wallin, and his son, Ralph E. Towle, Jr., copies of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Hunter of Hampton, for the Rockingham County delegation, offered the following resolutions:

Whereas, we have learned of the illness of Harold J. Jones, Representative from Fremont, therefore be it

Resolved, That we, the members of the Rockingham County

Delegation of the House of Representatives of the General Court of New Hampshire, extend to our fellow member our sympathy in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Jones a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Pickett of Keene announced that today is the birthday of the member from Claremont, Mr. Angus.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse.

House Bill No. 80, An Act relative to the salary of the justice of the Somersworth municipal court.

Senate Bill No. 6, An Act relative to information required on local tax bills, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Mrs. Brungot of Berlin called the attention of the House to the recent marriage of the member from Groveton, Mr. Styles, and moved that the House adjourn today in his honor.

On a *viva voce* vote the motion prevailed and the House adjourned at 11:56 o'clock.

TUESDAY, MARCH 3, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Walter S. Oddy, Pastor of Northwood Baptist Churches.

Almighty and Eternal Father of us all, we bow before Thee this morning realizing that Thou art the Great and Almighty Judge of Truth and Righteousness. We lift our hearts unto Thee in gratitude for the manifold blessings which have been showered upon us in times past and for the blessings of this present hour of privilege and opportunity. We can never understand Thy Way until we come to Thee in all humility, seeking to satisfy Thee early, and above all else and others.

In the midst of various decisions, trials and difficulties we join our petitions asking that Thou wilt give the wisdom, the courage, the fortitude to stand — and live for that which is right, first of all before our God, and then mankind.

We ask not that we shall give way to the easy and the glamorous of our day, but rather, that the Illumination from on High shall so abundantly fill our thinking and our actions — that indeed, the Kingdom on earth shall be more like Thy Kingdom which is in Heaven.

In this, the Capitol of our splendid state, these men and women gather to perform the duties of legislation that will be for the betterment of this noble peoples. May they have clear and honest thinking that what shall be accomplished will ring true for the furtherance of Laws that shall be for growing a truly progressive humanity; for children, youth and maturity.

Be, we pray, with those who hold office in this state, and with all those who have any office. Guide them, O Lord, with Thine Eternal Goodness that they shall never falter in the way. We pray, too, for our President of these United States, and those in authority around him. May the peace which cometh from Thy Holy Throne abide with us all that we may enjoy the privilege of serving Thee and having the True Freedom and Fellowship which cometh from on High.

Lord, accept Thou, we pray, our humble gratitude and may we ever be found doing those things which are acceptable in Thy sight, today, and every day, for we ask it in Thy Most Holy Name, O Lord and Master of us all, to Whom be praise and Honor and Glory forever. Amen.

Salute to the Flag

Mr. Pinkham of Northwood led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced a group of students from Coe-Brown Academy of Northwood in charge of Mr. Jordan Prince.

Leaves of Absence

Mr. Pickering of Meredith was granted leave of absence for the day on account of sickness.

Mr. Clancy of Manchester, Ward 6 was granted an indefinite leave of absence for the day on account of illness.

Mr. Dusseault of Berlin was granted a leave of absence for two weeks on account of illness.

Mr. Philbrick of Rye was granted a leave of absence for three weeks on account of illness.

Mr. Martel of Manchester, Ward 3 was granted a leave of absence for the week on account of important business.

Mr. Thibeault of Nashua was granted a leave of absence for the day to attend a funeral.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally read a first and second time, laid upon the table for printing and referred as follows :

By Mr. King of Manchester, House Bill No. 294, An Act establishing an administrative committee for Municipal courts. To the Committee on Judiciary.

By Mr. Hunter of Hampton, House Bill No. 295, An Act relating to the milk fat content of ice cream. To the Committee on Agriculture.

By Miss Spollett of Hampstead, House Bill No. 296, An Act relative to definition of semi-trailer under motor vehicle laws. To the Committee on Transportation.

By Mr. Maxham of Concord, House Bill No. 297, An Act relative to board of funeral directors and interstate agreements. To the Committee on Public Health.

By Mr. Bigelow of Warner, House Bill No. 298, An Act relative to the payment of claims arising out of activities of the national guard. To the Committee on Military and Veterans' Affairs.

By Mr. Plumer of Bristol, House Bill No. 299, An Act

relative to required number of school days in each year for standard elementary schools. To the Committee on Education.

By Mr. Gove of Concord, House Bill No. 300, An Act relative to liens for labor and materials. To the Committee on Judiciary.

By Mr. King of Manchester, House Bill No. 301, An Act adopting the uniform rendition of prisoners as witnesses in criminal proceedings act. To the Committee on Judiciary.

By Mr. Crosby of Hillsborough, House Bill No. 302, An Act relating to the confidential nature of adoption records and proceedings. To the Committee on Judiciary.

By Mr. Rufo of Concord, Mr. King of Manchester and Mr. Snow of Gilmanton, House Bill No. 303, An Act regulating trading stamp companies. To the Committee on Judiciary.

By Mr. King of Manchester, House Bill No. 304, An Act adopting the uniform facsimile signatures of public officials act. To the Committee on Judiciary.

By Mr. King of Manchester, House Bill No. 305, An Act relative to investments of credit unions. To the Committee on Banks.

By Mr. O'Shan of Laconia, House Bill No. 306, An Act creating the office of director of veterans services. To the Committee on Military and Veterans' Affairs.

By Mr. King of Manchester, House Bill No. 307, An Act adopting the uniform estate tax apportionment act. To the Committee on Judiciary.

By Mr. Taft of Greenville, House Bill No. 308, An Act relating to school building aid for the school district of Mason. To the Committee on Education.

By Mr. Hunter of Hampton, House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua river. To the Committee on Resources, Recreation and Development.

By Mr. Chase of Durham, House Joint Resolution No. 29, Joint Resolution relative to the operating expenses of educational television station WENH. To the Committee on Education.

Reports of Standing Committees

Mr. Bragdon of Amherst, for the Committee on Agriculture, to whom was referred House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "compounds or classes of compounds; contained or" in the twelfth line so that said section as amended shall read as follows: 2 *Commercial Fertilizers*. Amend paragraph (a) of RSA 439:4 (supp) as inserted by 1955, 52:1 by striking out said paragraph and inserting in place thereof the following: (a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold or distributed in this state, except mixed fertilizers or fertilizer materials used for research or experimental purposes so determined by the commissioner. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner and shall be accompanied by a label or true copy of said label upon request of the commissioner, in addition to a registration fee, per grade, as follows: ten dollars for the nitrogen; ten dollars for the phosphoric acid; ten dollars for the potash; ten dollars for the magnesium oxide or magnesium; ten dollars for the boron or borax; and ten dollars for each other plant food elements claimed to be in the said brand or grade of fertilizer. All registrations expire on or before January 1, annually. The application shall include the following information in the following order: (1) The name and address of the person guaranteeing the fertilizer. (2) The brand and grade. (3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form: Total nitrogen . . . per cent; available phosphoric acid . . . per cent; soluble potash . . . per cent. Unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and available phosphoric acid, and the degree of fineness. In the case of bone, tankage, and other natural organic phosphate materials, only the total phosphoric acid need be guaranteed. Additional plant food elements, determinable by chemical methods, may be guaranteed only by permission of the commission by and with

the advice of the director of the agricultural experiment station. When any such additional plant foods are claimed, they shall be included in the guarantee, and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner.

On motion of Mr. Clement of Landaff, reading of the amendment was dispensed with.

Mr. Clement of Landaff explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Bragdon of Amherst, for the Committee on Agriculture, to whom was referred House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "twenty-five" in the second and third and seventh lines and inserting in place thereof the word, twenty, so that said section as amended shall read as follows:

1 *Commercial Feed Law.* Amend RSA 442:3 by striking out the word "fifteen" in the fifth line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: 442:3 *Registration.* Each brand of commercial feed shall be registered before being offered for sale, sold, or otherwise distributed in this state. The application for registration shall be submitted to the commissioner on forms furnished by him, and shall be accompanied by a fee of twenty dollars per brand, and if the commissioner so requests shall also be accompanied by a label or other printed matter describing the product. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.

Further amend the bill by inserting after section 1 the following new section: 2 *Formula.* Amend RSA 442:15 by striking out said section and inserting in place thereof the following: 15 *Exceptions.* The term "customer-formula feed" means a mixture which contains commercial feeds, each batch of which is formulated according to the specific instructions of the final purchaser. Customer-formula feed, as herein

defined, shall be sold only for consumption by the livestock or poultry of the parties ordering such customer-formula feed, and said customer-formula feeds shall be exempt from the general requirements of the chapter relative to labeling and registration, provided, (a) that each container or package of said customer-formula feed shall have attached thereto, in lieu of the tag or label required by section 7, a written or printed tag upon which shall be stated the following information: (1) that the product in the container or package is a customer-formula feed; (2) the name and address of the mixer, processor, or manufacturer; (3) the name and address of purchaser ordering said customer-formula feed; (4) net weight of the contents; (5) the purpose for which the feed is to be fed, that is, dairy feed, poultry feed, pig feed, etc.; (6) if a medicated feed, the chemical name and amount of the drug, antibiotic, or hormone the mix should contain. (b) if distributed in bulk, the label or tag, with the above required information, shall accompany delivery and be furnished to the purchaser at the time of delivery.

Further amend the bill by renumbering sections 2 and 3 to read 3 and 4.

On motion of Mr. Clement of Landaff, reading of the amendment was dispensed with.

Mr. Clement of Landaff explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Brown of Sandwich, for the Committee on Education, to whom was referred House Bill No. 149, An Act in relation to extension courses at the teachers colleges, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 171, An Act relative to answer to questions appearing on ballots, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive

Departments and Administration, to whom was referred House Bill No. 170, An Act relative to the destruction of records by the bureau of food and chemistry having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds, having considered the same; reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 5, An Act relative to mileage allowance for members of the general court, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted.

Mr. McMeekin of Haverhill and Mr. Marx of Langdon spoke in favor of the resolution of the committee.

(discussion ensued)

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 156, An Act relative to mileage rate for employees of employment security department using private cars, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 116, An Act relative to the misuse of deer coupons, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 114, An Act relating to the definition of fly under fishing laws, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 118, An Act relative to the prohibited use of artificial lights in night hunting, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Dondero of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 78, An Act relative to terms of superior court for the county of Rockingham, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Junkins of Hampton moved that the words "Be referred to the special committee, consisting of the members from Rockingham County" be substituted for the words, "Inexpedient to legislate".

Mr. Junkins of Hampton spoke in favor of the motion.

Mr. Crosby of Hillsborough and Mrs. Dondero of Portsmouth spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it adopted the resolution of the committee that House Bill No. 78 was inexpedient to legislate.

On a *viva voce* vote the motion did not prevail.

Mr. Healy of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 120, An Act relative to prosecution of violation of fish and game laws by juveniles under the age of eighteen years, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred Concurrent Resolution relative to construction of a dam at Livermore Falls in the Pemigewasset river, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Pickett of Keene moved that the words "Ought to pass" be substituted for the words, "Inexpedient to legislate".

Mr. Lessels of Concord spoke in favor of the motion.

Mr. Pickett of Keene withdrew his motion to substitute.

The question now being on the resolution by the committee.

On a *viva voce* vote the resolution was adopted.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 142, An Act relative to recreational advertising for the Flume, Lafayette campground and the Basin, and Fay Wayside Area, so called, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 58, An Act providing that certain minor children wear life jackets in boats, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Bradbury of Newport moved that the words "Ought to Pass" be substituted for the words, "Inexpedient to Legislate".

Mr. Bradbury of Newport spoke in favor of the motion.

Mr. Monahan of Hanover spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote the resolution was adopted.

Mr. Larty of Haverhill, for the Committee on Ways and Means to whom was referred House Bill No. 68, An Act limiting the approval of rates by the public utilities commis-

sion, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Lavoie of Manchester moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate".

Mr. Lavoie of Manchester spoke in favor of the motion.

Mr. Chandler of Bartlett and Mr. McMeekin of Haverhill spoke against the motion.

The question now being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

Mr. Lavoie of Manchester demanded the Yeas and Nays.

Mr. Lavoie of Manchester withdrew his demand for the Yeas and Nays and requested a division.

A division being had, 74 members having voted in the affirmative and 229 members having voted in the negative the motion did not prevail.

The question now being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines.

Senate Bill No. 34, An Act providing for the election of county commissioners for the county districts of Coos County.

Senate Bill No. 44, An Act relative to the probate of wills.

Senate Bill No. 45, An Act relative to wills.

Introduction of Senate Bills

The following Senate Bills were read a first and second time and referred as follows:

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines, to the Committee on Judiciary.

Senate Bill No. 34, An Act providing for the election of county commissioners for the county districts of Coos County, to the special committee consisting of the members from Coos County.

Senate Bill No. 44, An Act relative to the probate of wills, to the committee on Judiciary.

Senate Bill No. 45, An Act relative to wills, to the committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of Sanbornton.

House Bill No. 129, An Act legalizing the annual town meeting held in the town of Colebrook on March 11, 1958.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills having examined and found correctly engrossed the following House and Senate Bills:

House Bill No. 34, An Act increasing the salary of the justice of the Portsmouth municipal court.

House Bill No. 53, An Act providing for the assessment and collection of a special head tax for state purposes.

House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of Sanbornton.

House Bill No. 123, An Act authorizing the Salem School district to exceed its debt limit and incur indebtedness not to exceed eight hundred fifty-five thousand dollars.

House Bill No. 129, An Act legalizing the annual town meeting held in the town of Colebrook on March 11, 1958.

Senate Bill No. 24, An Act relative to the destruction of records of the teachers' retirement system.

Mr. Willey of Campton offered the following resolution:

Resolved, That a letter stating the action taken by the House of Representatives on the Concurrent Resolution relative to construction of a dam at Livermore Falls in the Pemigewasset River be transmitted by the Clerk of the House to Senators Styles Bridges and Norris Cotton, and Congressmen Chester Merrow and Perkins Bass, and to General Alden U. Sibley of the United States Army Corps of Engineers.

Mr. Pillsbury of Manchester spoke against the resolution.

Mr. McMeekin of Haverhill moved that the resolution be

referred to the committee on Resources, Recreation and Development.

On a *viva voce* vote the motion was adopted and the resolution was referred to the Committee on Resources, Recreation and Development.

Messrs. Dowd and Laflamme of Penacook offered the following resolutions:

Whereas, Fred C. Abbott of Penacook has passed away, and

Whereas, Mr. Abbott, at the time of his death, was serving his third term as Custodian of Mail and Supplies as an Attache of the House of Representatives, and

Whereas, he had been employed for several years in the office of the State Comptroller, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to his services to his state and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House procure a floral tribute for the funeral and that he transmit to the family a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Messrs. Potter of Milan and Emery of Stark offered the following resolutions:

Whereas, Joseph W. Means of Milan has passed away, and

Whereas, Mr. Means served in the House of Representatives as Representative from Milan and in several capacities as an Attache of the House, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to our former member's services to his town and state, and express our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Means, a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Deans of Milford the rules of the House were so far suspended as to permit business in order at 3:00

o'clock to be in order at the present time, that third reading of bills be by title only and that when the House adjourns to-day it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest.

House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration.

House Bill No. 149, An Act in relation to extension courses at the teachers colleges.

House Bill No. 170, An Act relative to the destruction of records by the bureau of food and chemistry.

House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds.

House Bill No. 116, An Act relative to the misuse of deer coupons.

House Bill No. 114, An Act relative to the definition of Fly under fishing laws.

House Bill No. 118, An Act relative to the prohibited use of artificial lights in night hunting.

On motion of Mrs. St. Pierre of Rochester the House adjourned at 1:02 o'clock.

WEDNESDAY, MARCH 4, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Erle C. Morse, of the First Baptist Church, Meredith, N. H.

Almighty God, and most merciful Father . . . since Thou art a God of pure eyes, and wilt be sanctified in all who draw near unto Thee, who dost not regard the sacrifice of fools, nor hear sinners who tread in Thy courts, pardon, We beseech Thee,

our sins; remove them from Thy presence, as far as the east is from the west and accept us for the merits of Thy Son, Jesus Christ; that when we come into Thy temple and compass Thine altar, our prayer may come before Thee as incense; and as Thou wouldst hear us calling upon Thee in our prayers and give us grace to hear Thee calling on us in Thy Word that it may be wisdom, righteousness, reconciliation, and peace, to the saving of our souls and the day of the Lord Jesus Christ. Grant that we may hear it with reverence, receive it with meekness, mingle it with faith, and that it may accomplish in us, gracious God, the good work for which Thou has sent it. Bless our families, kindred, friends, and country; be our God and Guide this day and forever, for His sake who lay down in the grave and rose again for us, Jesus Christ, our Lord. Amen.

(Written by George Washington at age twenty.)

Salute to the Flag

Mr. Pickering of Meredith led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Willis of Salem was granted leave of absence for Wednesday and Thursday on account of illness in the family.

Messrs. Snow of Gilmanton and Blair of Epping were granted a leave of absence for the day on account of inclement weather.

Petition from Members

Mr. Goode of Manchester moved that the order of reference whereby House Bill No. 186, An Act making uniform the laws governing fraternal benefit societies, was referred to the Judiciary committee be vacated and that the bill be referred to the Joint Committee of Judiciary and Insurance.

Messrs. Goode of Manchester and Hancock of Concord spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke in opposition to the motion.

(discussion ensued)

Mr. Varney of Rochester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted, and House Bill No. 186 was referred to the Joint Committee of Judiciary and Insurance.

Mrs. Dondero of Portsmouth moved that the rules of the House be so far suspended as to permit introduction of a bill not previously approved by the Rules committee.

Mrs. Dondero spoke in favor of the motion.

The Clerk read the bill in full.

(discussion ensued)

Mr. Foote of Portsmouth spoke against the motion.

Mrs. White of Portsmouth and Mr. Pickett of Keene spoke in favor of the motion.

The Chair announced that this motion would need a two-thirds majority vote of the House and called for a division vote.

The division vote being manifestly in the affirmative the motion prevailed.

The Chair announced that the number of this bill would be House Bill No. 311, An Act providing for the appointment of an acting city manager for the city of Portsmouth.

Introduction of a Bill

House Bill No. 311, An Act providing for the appointment of an acting city manager for the city of Portsmouth, was read a first and second time, laid upon the table for printing, and referred to the Special Committee consisting of the members from the city of Portsmouth.

Mrs. Dondero moved that the rules of the House be so far suspended as to dispense with the printing and reference to Committee on House Bill No. 311.

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene moved that the rules of the House be further suspended, and that House Bill No. 311 be ordered to a third reading at the present time.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 311, An Act providing for the appointment of an acting city manager for the city of Portsmouth, was read a third time, passed and sent to the Senate for concurrence.

Introduction of Bills

The following bills were read a first and second time, laid on the table for printing, and referred as follows:

By Mr. Gove of Concord, House Bill No. 309, An Act relating to the use of facsimile signatures in the drawing of checks by the treasurers of school districts. To the Committee on Education.

By Mr. Angus of Claremont, House Bill No. 310, An Act relative to increase of benefit rates, disqualifications for benefits and reciprocal arrangements under the unemployment compensation law. To the Committee on Labor.

Reports of Standing Committees

Mr. Bigelow of Warner, for the Committee on Claims, to whom was referred House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

On a *viva voce* vote House Joint Resolution No. 15 was ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 38, An Act relating to the jurisdiction of juvenile courts, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Jurisdiction.* Amend RSA 169:1 by inserting after the word "years" in the second line the words, and those with respect to whom a petition is filed hereunder after his eighteenth birthday but before his twenty-first birthday because of an act of delinquency committed before such eighteenth birthday; further amend said section by striking out the words "of age" in the seventh line, so that said section as amended shall read as follows: 169:1 *Applicability of Chapter.* This chapter shall apply to those children under the age of eighteen years, and those with respect to whom a petition is filed hereunder after his eighteenth birthday but before his twenty-first birthday because of an act of delinquency committed before such eighteenth birthday, and any jurisdiction acquired

by the court or the commissioner of public welfare, under order of the court, over a neglected child shall cease when said child arrives at the age of eighteen, provided, however, that in the case of a delinquent child over whom the court has acquired jurisdiction hereunder said jurisdiction shall continue until said child arrives at the age of twenty-one years unless he is previously discharged by the court, or jurisdiction over him released to the superior court.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary to whom was referred House Bill No. 101, An Act relative to appeals from assessment of damage for highway layout, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Ayer of Pittsfield, for the Committee on Judiciary to whom was referred Senate Bill No. 13, An Act to increase the amount of wages exempt from trustee process, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Hancock of Concord moved that the words "Ought to Pass" be substituted for the words "inexpedient to legislate".

Mr. Hancock of Concord and Mr. Geisel of Manchester spoke in favor of the motion.

Messrs. Crosby of Hillsborough and Green of Manchester and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Hancock of Concord requested a division.

A division being had and 39 members voting in the affirmative and 255 members voting in the negative, the motion to substitute did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Reconsideration

Mr. Crosby of Hillsborough moved that the House re-

consider its vote whereby it adopted the resolution of the committee on Senate Bill No. 13.

On a *viva voce* vote the motion did not prevail.

Mr. Healy of Manchester, for the Committee on Judiciary to whom was referred Senate Bill No. 37, An Act relative to executors of estates, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Shepard of Londonderry, for the Committee on Municipal and County Government to whom was referred House Bill No. 218, An Act granting zoning authority to Contoocook Fire Precinct and Hopkinton Village Precinct, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

SB 54, An Act authorizing rehabilitation work in redevelopment projects.

SB 55, An Act relative to redevelopment of so-called disaster areas, and for general planning activities.

Introduction of Senate Bills

The following Senate bills were read a first and second time, laid upon the table, and referred as follows:

Senate Bill No. 54, An Act authorizing rehabilitation work in redevelopment projects, to the Committee on Public Works.

Senate Bill No. 55, An Act relative to redevelopment of so-called disaster areas, and for general planning activities, to the Committee on Public Works.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and concurrent resolutions sent up from the House of Representatives.

House Bill No. 2, An Act relative to barbering schools and barbering instructors.

Concurrent Resolution to memorialize the Congress of the United States to give consideration to an equalization of salaries of employees at the Portsmouth naval shipyard to that paid employees at the Boston shipyard.

Resolutions

Mr. Bigelow of Warner introduced the following resolution:

Whereas, we have learned of the sudden death of one of our fellow members, Lewis A. Nelson of Hopkinton, and

Whereas, Mr. Nelson was not only a representative of his town at this present session but has served for many sessions of this House and also as a member of several Constitutional Conventions, as well as serving his town and county in various capacities, therefore be it

Resolved, That we, the members of this House of Representatives in General Court convened, do hereby pay tribute to the memory of one who has served his state, county and town so faithfully and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House be instructed to procure a floral tribute for the funeral and transmit a copy of these resolutions to his family.

By a rising vote the resolutions were unanimously adopted and the House observed a brief period of silence in reverence to the death of their fellow member.

Mr. Bigelow of Warner introduced the following resolution:

Whereas, we have learned of the death of Leon A. Gage of Warner, and

Whereas, Mr. Gage was a former fellow Representative from that town, therefore be it

Resolved, That we, the members of this House of Representatives do hereby pay tribute to the memory of Mr. Gage and extend our sympathy to his family, and be it further

Resolved, That a copy of this resolution be transmitted to his sister, Mrs. Jessie Brown of Concord.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Plourde of Pembroke offered the following resolutions:

Whereas, Mrs. Anna Thibeault, mother of George D. Thibeault, Representative from Pembroke, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby express our sympathy to our fellow member in his bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Thibeault a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today was the seventy-eighth birthday of Mr. Ingraham of Portsmouth.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of House Bills be by title only and third reading of House Joint Resolutions by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand.

House Bill No. 38, An Act relating to the jurisdiction of juvenile courts.

House Bill No. 218, An Act granting zoning authority to Contoocook Fire Precinct and Hopkinton Village Precinct.

Senate Bill No. 37, An Act relative to executors of estates, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Keefe of Portsmouth the House adjourned in Honor of Mr. Ingraham's birthday at 12:18 o'clock.

THURSDAY, MARCH 5, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Henry Suld, of the United Church of Warner.

Eternal God, we thank Thee for this new day with all its familiar tasks and unknown possibilities. Keep us reverent before its mystery as a part of Thine unfolding purpose for us. May we be conscious of its sacredness growing out of Thine immortal life in us. Help us to meet its challenges with wisdom, hope, and cheerfulness. Make us alert to use its opportunities, however small and brief, as upward steps in our growth toward Thee. Amen.

Salute to the Flag

Mr. Rollins of Alton led the Convention in the Pledge of Allegiance to the flag.

House

Leave of Absence

Mr. Rice of Peterborough was granted leave of absence for the day on account of illness.

Introduction of Bills

The following House bills and House joint resolution were severally introduced, read a first and second time, laid upon the table for printing, and referred as follows:

By Mr. Hart of Manchester, House Bill No. 312, An Act relative to technical institutes. To the Committee on Education.

By Mr. Gaffney of Claremont, House Bill No. 313, An Act requiring that prepackaged meat or fish shall have stamped thereon the date of packaging. To the Committee on Public Health.

By Mr. King of Manchester, House Bill No. 314, An Act relative to the effective date of federal-state old age and survivors insurance agreements. To the Committee on Executive Departments and Administration.

By Mr. Comi of Concord, House Bill No. 315, An Act providing additional benefits to state employees upon retirement.

To the Committee on Executive Departments and Administration.

By Mr. Felch of Seabrook, House Bill No. 316, An Act relative to salary of the justice of the Seabrook municipal court. To the Committee on Judiciary.

By Mr. Dion of Manchester, House Bill No. 317, An Act relating to pari mutuel pools. To the Committee on Ways and Means.

By Mr. Kearns of Manchester, House Bill No. 318, An Act requiring ticket printers on petroleum delivery meters. To the Committee on Transportation.

By Mrs. Lord of Gilford, Mr. Rollins of Alton, Mr. Snow of Gilmanton, Mr. Normandin of Laconia, Mrs. Ayre of Laconia, Mr. Varrell of Laconia, Mrs. Atwood of Sanbornton, Mr. Howe of Tilton, House Bill No. 319, An Act to provide for the operation and maintenance of the Belknap county recreational area. To the Belknap Delegation.

By Committee on Rules (Mr. Pickett of Keene) House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state. To the Committee on Banks.

Mr. Pillsbury of Manchester moved that the order whereby House Bill No. 272, An Act relating to bank holding companies, was referred to the Committee on Banks, be vacated and that the bill be referred to the Joint Committee on Banks and Judiciary.

On a *viva voce* vote the motion was adopted.

Committee Reports

Mr. Daniel of Manchester, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 113, An Act activating the state guard in preparation for utilization in event of disaster or war and integrating it within the civil defense organization, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 111:29 as inserted by section 2 of the bill by striking out in the third line the words "force of not less than" and inserting in place thereof the words, protecting force not in excess of, so that said section as amended shall read as follows:

111:29 Appropriation. There is hereby appropriated the sum of two hundred and fifty thousand dollars for the purpose of organizing, training and equipping a protecting force not in excess of fifteen thousand for the purpose of acting within the provisions of this chapter. The sum hereby appropriated shall be a continuing appropriation and shall not lapse. The expenditure of this fund shall be under the direction of the governor. The funds hereby appropriated shall be used solely for the purposes of this chapter and shall be a charge upon the general funds of the state.

The report was accepted and under the rules, House Bill No. 113 was laid upon the table for printing of the amendment.

Mr. Batchelder of Deerfield moved that the Rules of the House be so far suspended as to dispense with the printing of the amendment.

The Clerk read the amendment in full.

Mr. Batchelder of Deerfield spoke in favor of the motion.

Mr. Daniel of Manchester moved that House Bill No. 113 be indefinitely postponed.

Messrs. Daniel and Green of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Batchelder of Deerfield spoke against the motion.

(discussion ensued)

Mr. Nickerson of Goffstown spoke in favor of the motion.

Messrs. Maloomian of Somersworth, Jenkins of New Castle and Mrs. Brungot of Berlin spoke against the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being on the motion to indefinitely postpone.

Mr. Batchelder of Deerfield requested a division vote.

A division being had, 167 members having voted in the affirmative and 153 members having voted in the negative, the motion to indefinitely postpone prevailed.

Mrs. Brungot of Berlin demanded the Yeas and Nays and subsequently withdrew her demand.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 174, An Act relative to the operation of boats on Squam Lake, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Monahan explained the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Senate Message

The Senate message announced that the Senate had passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or aircraft.

Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws.

Senate Bill No. 47, An Act relative to annual payments to retirement board by call, volunteer or substitute firemen.

Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank.

Senate Bill No. 41, An Act relative to permission to towns to appropriate money for payment of association dues.

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the general court.

Introduction of Senate Bills

The following Senate bills were severally read a first and second time, laid upon the table, and referred as follows:

Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or aircrafts, to the Committee on Fish and Game.

Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws, to the Committee on Fish and Game.

Senate Bill No. 47, An Act relative to annual payments to retirement board by call, volunteer or substitute firemen, to the Committee on Executive Departments and Administration.

Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank, to the Committee on Ways and Means.

Senate Bill No. 41, An Act relative to permission to towns to appropriate money for payment of association dues, to the Committee on Municipal and County Government.

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the general court, to the Committee on Municipal and County Government.

A further Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill as amended sent up from the House of Representatives:

Senate Bill No. 6, An Act relative to information required on local tax bills.

A further Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill.

House Bill No. 49, An Act to change the classification of the Crotched Mountain Road in Greenfield.

House Bill No. 92, An Act providing assistance to certain towns for the relocation of town roads affected by the construction of the Hopkinton-Everett Flood Control Project.

House Bill No. 117, An Act relative to sale of brook trout as food in retail food stores.

House Bill No. 162, An Act relative to county attorneys.

House Bill No. 311, An Act providing for the appointment of an acting city manager for the city of Portsmouth.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 15, An Act amending the charters of the New Hampshire Centennial Home for the Aged and the Elliot Hospital of the City of Manchester.

Amend section 1 of said bill by striking out the figure "27" in the nineteenth line and inserting in place thereof the figure, 23.

On motion of Mr. McMeekin of Haverhill the House concurred in the amendment by the Engrossed Bills Committee.

Resolutions

Mrs. Gordon of Jaffrey offered the following resolution:

Resolved, That the mileage boards be passed during the afternoon session instead of during the morning session.

On a *viva voce* vote the resolution was not adopted.

Reconsideration

Mr. Green of Manchester moved that the House reconsider its vote whereby it indefinitely postponed House Bill No. 113.

Mrs. Brungot of Berlin spoke against the motion.

Mr. Green of Manchester withdrew his motion.

Mrs. Brungot of Berlin served notice that she would ask for reconsideration on House Bill No. 113.

Notice

The funeral of Mr. Nelson of Hopkinton will be held on Saturday at 2:00 o'clock at the Methodist Church in Contocook and a special delegation to attend the funeral will be: Senator from Dist. 9, Senator Dunlap, The Appropriations Committee and the Merrimack Delegation.

Notice

Appointment of two new attaches:

Forrest Bucklin of Laconia Custodian of Mails

John White of Concord Library Messenger

Order Vacated

Mr. McMeekin of Haverhill moved that the order where House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax reassessment, was referred to the committee on Judiciary, be vacated and the bill be referred to the committee on Executive Departments and Administration.

Mr. McMeekin of Haverhill spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The Chair announced that today marks the Fifty-fourth wedding anniversary of Representative and Mrs. Lewis Carpenter of Henniker.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, and when the House adjourns today it be to meet next Wednesday morning at 11:00 o'clock.

On motion of Mrs. Atwood of Sanbornton the House adjourned at 12:50 o'clock.

WEDNESDAY, MARCH 11, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain Roland Veillette, a teacher at Bishop Bradley High School and a curate at Sacred Heart Church in Manchester.

Almighty God of love, justice and wisdom, giver of all gifts, make us, at this moment, conscious of Thy presence, as we render unto Thee our true and sincere homages of faith, adoration and love.

We are gathered here at this hour to take counsel. Taking this opportunity we want to thank Thee, O Lord, for the abundant gifts of faith, hope, charity, health, courage, success that Thou hast so mercifully and lovingly bestowed upon this Great Nation, and upon this beautiful State of New Hampshire, since the early days of this American Republic.

At this time, may Thy blessing rest upon His Excellency, the Governor of our State, upon the Honorable Members of his Council, upon every senator and representative of this legislature, their families and friends; that all may stand forth as true and safe leaders and faithful citizens.

Give us discerning minds and understanding hearts, that from this day forward, by our endeavors, the safety, advancement, honor and welfare of the people of New Hampshire, may be daily assured.

Grant that we may walk while it is day in the steps of Him, Your Divine Son, Whom Thou hast sent to teach and guide us; Our Lord and Saviour. Amen.

Salute to the Flag

Senator Daniel of District 19 led the Convention in the Pledge of Allegiance to the Flag.

Governor's Remarks

His Excellency, Governor Wesley Powell, appeared before the Joint Convention and addressed them as follows:

Mr. Speaker, Mr. President, Honorable Members of the General Court:

This is the first of a series of recommendations on reorganization within our state government to bring about increased efficiency in the performance of essential services, and to help provide additional dollars for all essential areas of state government. The reorganization bill itself will be available for committee assignment next Tuesday. In this brief message today I shall mention only the highlights and the underlying purpose of my recommendation. The bill will include detailed recommendations for the department's budget.

It is my recommendation that the Planning and Development and the Forestry and Recreation Commissions be abolished. It is my further recommendation that there be established to take the place of these two commissions a single agency of state government to be known as the Department of Commerce. The Planning and Development and Forestry and Recreation Commissions have as their primary purpose the promotion of the economy of our state. The more efficient and effective work our state government does in promoting recreational trade and industrial expansion the more healthy the economy of our state will be and the more healthy the state treasury will be.

For a long time it has been my opinion that our state government organization in the areas of industrial development and recreational promotion does not measure up to present day demands and competition. Studies which I have had underway since last fall, along with constant inquiries accompanying general budgetary matters, seem to substantiate that opinion. We need an expanded promotion and advertising program if we are to strive for maximum expansion of our economy. Such an undertaking requires highly qualified people, sound programming, and proper allocation of dollars.

You will recall that in both the inaugural address and the budget message I stated clearly my position in favor of increased expenditures which would represent a sound investment in the future of our state. You will recall also my position that I could not recommend such increased expenditures until we could be certain the dollars would be available and efficiently spent. If the Legislature accepts my recommendations for a Department of Commerce the dollars will be available for more adequate state promotion and advertising. In fact, my recommendations are drawn to make possible the biggest and most effective program in the history of the state.

If the Legislature establishes a Department of Commerce then it is my recommendation that you appropriate for direct promotion and advertising for the next biennium the sum of \$350,000.00. This would be about \$220,000. in excess of the recommendations now before your fiscal committees, which recommendations were based upon current levels pending reorganization.

Where will the money come from? The answer is, the money will come from the savings of reorganization.

If you merge the Planning and Development and Forestry and Recreation Commissions into the Department of Commerce, savings would total \$388,566.92. Of this amount, I recommend the foregoing allocation of \$220,000.00 and further recommend that the balance of about \$168,000.00 become a part of the general fund to help defray other increased essential costs of government which may be considered in Special Session.

Incidentally, revenues of the Forestry and Recreation Commission now restricted would become general fund revenues. I might add that reorganization would put operations in the black which are now in the red.

It is my thought a bit of repetition would be in order at this point. Reorganization would make possible a necessary record breaking promotion-advertising program. In addition, it would help substantially to meet other dollar needs of our state government.

Most of the savings totalling \$388,566.92 would come from positions eliminated by reorganization and expenditures related to these positions. Positions which would be abolished represent either presently overlapping services or positions not

essential to the efficient and effective conduct of the new department.

One of the hardest things a public official has to do is recommend the abolishment of places on the public payroll. However, I conceive it to be my duty to weigh the public interest and to submit these recommendations which will best help protect and preserve the efficiency of state government and the effectiveness of its essential services. I have heretofore related to you my unshakeable philosophy that the public payroll should consist only of those persons whose presence upon it is necessary to the public good.

Positions abolished would be four positions in the Planning and Development Commission, ten positions in the Recreation Division, and nine positions in the Forestry Division.

With regard to the appropriation for promotion and advertising it is my recommendation that programming of the fund not be further defined but be left to the head of the new department with approval of Governor and Council. The purpose of this would be to allow the department head to use his judgment based upon his experience, thus benefiting the state.

In order to provide for an orderly organization of the new department with properly qualified persons, I am recommending that the department head be empowered to select, with the assistance of his division heads, the persons who would man the department. Here again it seems important to me that if we are to obtain the top official especially qualified and experienced in the vital area of state promotion he should be with flexibility to determine those persons who can best assist him in doing the job the state would expect of him. It would be my supposition that in the selection of personnel for the new department the head of the department would extend every proper consideration to those who are presently in the state service, but I personally feel that he should not be restricted by law in this regard.

It is my recommendation that the Department of Commerce be headed by a Commissioner appointed by the Governor with the consent of the Council. It is my recommendation that the Commissioner be responsible directly to the Governor and Council but that there be an Advisory Commission consisting of five representative citizens to counsel with the Commissioner on departmental programs. If the Department of Commerce is established it would be my purpose to seek for the post of Com-

missioner the most highly qualified and experienced person available. Sincere and thorough consideration would be extended to the applications of all persons qualified to fill the post. In order to obtain the best available persons for the position of Commissioner it is my recommendation that the salary range for the position be \$12,000.00 to \$14,800.00. This recommendation is in recognition of the fact that just as competition is keen for new industry and recreational trade so is competition keen for the persons highly experienced in this type of work.

It is recommended that under the Commissioner there be established five divisions to be headed by persons holding the following titles: Director of Industrial Development and Planning; Director of Publicity and Promotion; State Forester; Chief of Park Operations; Business Manager. It is my recommendation that the salaries of the Director of Industrial Development and Planning and the Director of Publicity and Promotion be in the range of \$10,634.00 to \$12,220.00; that the salaries of the State Forester and Chief of Park Operations be in the range of \$8,866.00 to \$10,192.00; and the salary of the Business Manager be in the range of \$8,268.00 to \$9,516.00. These salary ranges are recommended in order to attract applications from those best qualified to serve in these important posts.

As with regard to other recommendations I have placed before you, I am confident that the bill of particulars to be available to you Tuesday next will have your conscientious study. Frankly, it is my hope that this recommended reorganization will meet with your approval in order that urgently needed increased state promotion can be had throughout the coming biennium. You will note when you read the bill that the suggested date for activation of the new department is the beginning of the next fiscal year or within a reasonable time thereafter when the department head has been nominated and confirmed. It would be my purpose to allow between the time of selection and the time of confirmation a reasonable period during which personnel selections could be made and adequate opportunity provided for careful consideration of present personnel by the Commissioner designate.

Were I not convinced in my own mind that the recommended department and the procedures suggested for the establishment of the same are so much in the interest of our

state and its people, I might expect unusual pressures to be prompted by this message. No one is more aware than I of the pressures which are applied to public officials like ourselves when, acting in what study indicates is the public interest, we undertake changes in organization and program. I would like to say simply that I have long since fortified myself against such pressures and appeal to you to do the same. It has been my observation since we began our work together in January that there is an anxiousness among us to do those things which will help create more efficient government and at the same time better perform services which are essential to the better economic security of our people. I am most grateful for the friendly and cooperative spirit which is evident in the Legislature toward those objectives which are in the best interests of all our people. I am especially grateful for the encouragement so many of you have extended to me in the leadership I am trying to offer toward the goal of adequacy of essential services without imposing new burdens of taxation upon our citizens. It seems to me that together we are making progress toward that goal, and it is my observation that among the people there is encouragement for what we are attempting in their behalf.

On motion of Senator Dunlap from District No. 9 the Joint Convention rose.

House

Introduction of Guests

The Chair announced that the House had as its guest this morning the Civics Class from Bishop Bradley High School of Manchester who were accompanied by their principal, Brother Brendan, and their teacher, Reverend Roland W. Veillette, the latter being the Guest Chaplain today. The students were guests of Representative Geisel of Manchester and Senator Daniel of District No. 19.

The Chair introduced a group of students from Pinkerton Academy accompanied by James T. Riddervald, Jr., as guests of Senator Adams of District No. 22.

The Chair announced that the House had as its guests today the 7th and 8th grades of the Bow Elementary School, with their principal, Chester Buck and their 7th grade teacher, Edward B. Briggs, courtesy of Mr. Hanson of Bow.

The Chair introduced former Red Sox Pitcher, Joe Dobson from Nelson, N. H.

The Chair introduced Mr. Jamel Eddine Ben Miled of Tunis, Tunisia who is a participant in the Foreign Specialists Program of the International Educational Exchange Service of the U. S. Department of State.

The Chair introduced Havard Nesheim, Lieut. Governor of the Northern Province of Norway who is in New Hampshire as part of the Cultural Exchange Department of the Department of State.

Leaves of Absence

Messrs. Willis of Salem and Davis of Cornish were granted leaves of absence for the week on account of illness.

Mr. Monahan of Hanover was granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally read a first and second time, laid on the table for printing and referred as follows:

By Mr. Green of Manchester, House Bill No. 320, An Act providing a time limitation for second offense of driving while intoxicated. To the Committee on Judiciary.

By Mrs. DeLude of Unity, House Bill No. 321, An Act establishing an agreement on detainers. To the Committee on Judiciary.

By Mr. Hodgman of Pelham, House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law. To the Committee on Labor.

By Mr. Gilman of Farmington, House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund. To the Committee on Appropriations.

By Mr. Plumer of Bristol, House Bill No. 324, An Act relative to the charter of the Bristol Savings Bank. To the Committee on Banks.

By Mr. O'Shan of Laconia, House Bill No. 325, An Act relating to the Korean Bonus. To the Committee on Military and Veterans' Affairs.

By Mr. Harkins of Laconia, House Bill No. 326, An Act providing for the election of county commissioneers for the county districts of Belknap county. To the Belknap Delegation.

By Mr. Hambleton of Goffstown, House Bill No. 327, An Act establishing a central purchasing department for towns. To the Committee on Municipal and County Government.

By Mr. Chandler of Bartlett, House Bill No. 328, An Act naming Kancamagus Highway. To the Committee on Resources, Recreation and Development.

By Mr. Gove of Concord, House Bill No. 329, An Act relative to debt limits of municipalities for purchase of parking meters. To the Committee on Municipal and County Government.

By Committee on Rules (Mr. Legallee of Litchfield) House Bill No. 330, An Act legalizing the proceedings of the town meeting held in Litchfield on March 10, 1959. To the Committee on Judiciary.

By Mr. Pappagianis of Nashua, House Bill No. 331, An Act to provide for the appointment of guardians of either the person or property of minors, or both. To the Committee on Judiciary.

By Mr. Bigelow of Warner, House Joint Resolution No. 31, Joint Resolution relative to the transfer of funds by the state treasurer. To the Committee on Appropriations.

By Mr. Oakes of Columbia, House Joint Resolution No. 32, Joint Resolution in favor of Lew A. Wallace. To the Committee on Appropriations.

By Mr. Eastman of Ashland, House Joint Resolution No. 33, Joint Resolution in favor of John and Rosemary Cote. To the Committee on Claims.

Reports of Standing Committees

Mr. Goode of Manchester, Ward 1, for the Committee on Insurance, to whom was referred House Bill No. 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Deans of Milford, Mr. Goode of Manchester explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Deans of Milford, for the Committee on Municipal and County Government to whom was referred House Bill No. 126, An Act relative to the conduct of business on legal holidays, having considered the same, reported the same in new draft with the recommendations that the bill in its new draft be recommitted.

On a *viva voce* vote the recommendation of the committee was adopted.

Introduction of a Bill

House Bill No. 126, An Act relative to the conduct of business on legal holidays, was read a first and second time, laid on the table for printing and referred to the committee on Municipal and County Government.

Reports

Mr. Crosby of Hillsborough, for the Committee on Judiciary to whom was referred House Bill No. 128, An Act relative to religious instruction, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Messrs. Healy, Martel, Tobin of Manchester, Mrs. Brungot of Berlin, Messrs. Normandin of Laconia and Pickett of Sandown for the undersigned, a minority of the Committee on Judiciary to whom was referred House Bill No. 128, An Act relative to religious instruction, having considered the same, and being unable to agree with the majority reported the same with the recommendation that the bill ought to pass.

The reports were accepted.

Mr. Kearns of Manchester moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate".

Mr. Kearns of Manchester spoke in favor of the motion.

Mr. Crosby of Hillsborough moved that further consideration of House Bill No. 128 be indefinitely postponed.

Messrs. Crosby of Hillsborough, Rollins of Alton, Hancock of Concord and Mrs. Griffin of Auburn spoke in favor of the motion.

Messrs. Ecker of Manchester, Bouvier of Swanzey and Mrs. Brungot of Berlin spoke against the motion.

The Chair declared a fifty minute recess.

Recess

After Recess

The motion now being to indefinitely postpone House Bill No. 128.

Mrs. Hartigan of Rochester and Messrs. Healy and Martel of Manchester spoke against the motion.

Mrs. Frizzell of Charlestown spoke in favor of the motion.

(Mr. Gilman of Farmington in the Chair)

(discussion ensued)

Messrs. Gove of Concord and O'Neil of Chesterfield spoke in favor of the motion.

Messrs. Blanchard of Jackson, Downing of Newport and Lacasse of Berlin spoke against the motion.

(Speaker in the Chair)

Mrs. Cooper of Nashua spoke in favor of the motion.

Messrs. Coutermarsh of Lebanon, Pickett of Keene and Pillsbury of Manchester spoke against the motion.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question before the House is on the question to indefinitely postpone.

Mr. Kearns of Manchester requested a division vote.

A division vote being had, 243 members having voted in affirmative and 115 members having voted in the negative, the motion to indefinitely postpone prevailed.

Senate Message

The Senate message announced that the Senate has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the House of Representatives:

A Concurrent Resolution memorializing the Congress of the United States to propose an amendment to the Federal Constitution relative to the imposition and collections of taxes on income by the States.

Whereas, citizens of New Hampshire residing within this State but employed in the State of Vermont and Massachusetts

are now imposed upon by being forced to pay income taxes to those States; and

Whereas, United States Senators Styles Bridges and Norris Cotton of New Hampshire have joined with United States Senators from other States in proposing an amendment to the Federal Constitution to end the imposition of income taxes by one State upon the residents of other States; now therefore be it

Resolved, by the Senate of the State of New Hampshire, the House of Representatives concurring:

(1) The Congress of the United States is hereby memorialized to propose an amendment to the Federal Constitution by adding a new article to the amendments by which the several States would have no power to impose and collect taxes on income from whatever source derived except in respect to residents of the State imposing the tax; and be it further

Resolved, That the Secretary of State be instructed to forward a copy of this Concurrent Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the United States Senate.

The Concurrent Resolution was laid on the table and referred to the Committee on Ways and Means.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following Concurrent Resolutions sent up from the House of Representatives:

Whereas, the construction of submarines and other vessels for the United States fleet is the same at the Portsmouth naval shipyard as at the Boston shipyard, and

Whereas, at the present time there is a difference in salary paid to employees at the two shipyards, now, therefore be it

Resolved, That the General Court of the State of New Hampshire memorialize the Congress of the United States to give consideration to an equalization of salaries of employees at the Portsmouth naval shipyard to that paid employees at the Boston shipyard, be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States

and to each of the members of the New Hampshire delegation in Congress.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill.

House Bill No. 92, An Act providing assistance to certain towns for the relocation of town roads affected by the construction of the Hopkinton-Everett Flood Control Project.

House Bill No. 117, An Act relative to sale of brook trout as food in retail food stores.

House Bill No. 162, An Act relative to county attorneys.

House Bill No. 2, An Act relative to barbering schools and barbering instructors.

House Bill No. 49, An Act to change the classification of the Crotched Mountain Road in Greenfield.

Senate Bill No. 6, An Act relative to information required on local tax bills.

Senate Bill No. 15, An Act amending the charters of the New Hampshire Centennial Home for the Aged and the Elliot Hospital of the City of Manchester.

Senate Bill No. 37, An Act relative to executors of estates.

House Bill No. 311, An Act providing for the appointment of an acting city manager for the city of Portsmouth.

The report was accepted.

Resolutions

Mr. Palmer of Kensington introduced the following resolutions:

Whereas, we have learned of the death of our former fellow member from Kensington, Henry W. Brown, and

Whereas, Mr. Brown served for many years as a selectman of his town, therefore be it

Resolved, That we, the members of this House of Representatives do hereby pay tribute to the service of Mr. Brown to his state and town and extend our sincere sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Brown.

On a *viva voce* vote the resolutions were unanimously adopted.

Reconsideration

Mr. Crosby of Hillsborough moved that the House reconsider its vote whereby it voted to indefinitely postpone House Bill No. 128.

(discussion ensued)

On a *viva voce* vote the motion to reconsider did not prevail.

Change in Committee Assignments

Mr. Shepard of Londonderry from the Committee on Municipal and County Government to the Committee on Appropriations.

On motion of Mr. Pickett of Keene, the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

House Bill No. 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Hill of Conway the House adjourned at 3:22 o'clock.

THURSDAY, MARCH 12, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Edwin J. Godden, of the Methodist church at Rindge.

Great Ruler of us all, of whom it was prophesied that the

government shall be upon His shoulders, Thou knowest the difficulties these statesmen have to face and the grave decisions they must make. Thou who hast a plan for peace and a program for all the nations, make it plain that they may see it clearly, that they may find that which will work and will have Thy blessing.

Lord, Thou wilt still be here after this prayer is said, and we would have it so, for we know deep down in our hearts that without Thy help men can do nothing abiding. Without Thee men will discuss more and more and settle less and less. Give these men such guidance that when a thing is right they will all know it; and when it is wrong it will not be proposed. Help them not to run away from truth but to find a refuge in it.

Help our lawmakers, O God, to keep a sane perspective, lest the big issues overshadow the lesser ones and they fail to do Thy will with them. In all things, big and little, reveal Thy wisdom and Thy love. Through Jesus Christ our Lord. Amen.

Salute to the Flag

Mr. Leonard of Franklin led the Convention in the Pledge of Allegiance to the Flag.

Leaves of Absence

Messrs. Rollins of Alton and Haley of Keene were granted leaves of absence for the day on account of inclement weather.

Mr. Daneault of Hudson was granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally read a first and second time, laid on the table for printing, and referred as follows:

By Mr. Eastman of Exeter, House Bill No. 332, An Act relative to inspectors of election. To the Committee on Executive Departments and Administration.

By Mr. Dion of Manchester, House Bill No. 333, An Act relative to required courses of instruction in schools. To the Committee on Education.

By Mr. Terrill of Keene, House Bill No. 334, An Act authorizing certain deductions from retirement benefits of

state employees. To the Committee on Executive Departments and Administration.

By Mr. LaFrance of Manchester, House Bill No. 335, An Act relative to taking wild deer. To the Committee on Fish and Game.

By Mr. Smith of Meredith, House Bill No. 336, An Act naming Hubbard Cove. To the Committee on Resources, Recreation and Development.

By Miss Faulkner of Keene, House Bill No. 337, An Act relating to private nursery schools. To the Committee on Education.

By Mr. DeGrace of Manchester, House Bill No. 338, An Act regulating gasoline price signs. To the Committee on Transportation.

By Mrs. Atwood of Sanbornton, House Bill No. 339, An Act relative to the control of aquatic nuisances. To the Committee on Resources, Recreation and Development.

By Mrs. Hayward of Hanover, Mr. Pillsbury of Manchester, Miss Faulkner of Keene, House Bill No. 340, An Act relative to intellectually retarded children. To the Committee on Education.

By Mr. Pappagianis of Nashua, House Bill No. 341, An Act establishing a comprehensive system of district courts. To the Committee on Judiciary.

By Committee on Rules (Messrs. Armstrong of Littleton, and Burrill of Littleton) House Bill No. 342, An Act legalizing certain action taken at the town meeting in the town of Littleton. To the Committee on Municipal and County Government.

By Mr. Perry of Newbury, House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove. To the Committee on Resources, Recreation and Development.

By Mr. O'Connor of Manchester and Mr. Batchelder of Deerfield, House Joint Resolution No. 35, Joint Resolution for additional electric service for camps in Bear Brook state park. To the Committee on Appropriations.

Mr. Armstrong of Littleton moved that the rules of the House be so far suspended as to dispense with the committee reference and printing of House Bill No. 342, An Act legalizing

certain action taken at the town meeting in the town of Littleton.

The Clerk read the bill in full.

Mr. Armstrong of Littleton spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Armstrong of Littleton moved to further suspend the rules of the House as to put House Bill No. 342 on third reading and final passage, by title only, at the present time.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 342, An Act legalizing certain action taken at the town meeting in the town of Littleton, was read a third time, passed, and sent to the Senate for concurrence.

Committee Reports

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 54, An Act relative to the repeal of the school per capita tax, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Plumer of Bristol moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate," and spoke in favor of the motion.

(discussion ensued)

Mrs. Brown of Sandwich spoke against the motion and yielded the floor to Mr. Chase of Durham who also spoke against the motion.

(discussion ensued)

Messrs. Hart of Manchester and Gilman of Farmington spoke against the motion.

(discussion ensued)

Messrs. Urie of New Hampton and Pillsbury of Manchester spoke against the motion.

(discussion ensued)

The question now being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

The question now being on the resolution of the committee. On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 182, An Act relative to the sale of the Concord armory, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 176, An Act relating to limit of accumulation of The Boys' and Girls' benefit fund, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "seven" in the third and sixth lines and inserting in place thereof the word, ten, so that said section as amended shall read as follows:

1 *Industrial School, Benefit Fund.* Amend RSA 621:29 by striking out the words "five thousand" in the second line and inserting in place thereof the words, ten thousand, so that said section as amended shall read as follows: 621:29 — *Limit of Accumulation.* Whenever this fund exceeds the amount of ten thousand dollars, the excess shall be credited as revenue.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred House Bill No. 172, An Act relative to the use of out-board motors and power boats by fish and game department, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end of the words, notwithstanding the provisions of RSA 270, power boats and outboard motors owned and operated by the state shall be exempt from registration fees but shall be registered as any other power boat or outboard motor, so that said section as amended shall read as follows:

1 *Restrictions on Boating; Application.* Amend RSA 486 by inserting after section 4 the following new section: 486:5 *Fish and Game Department.* The provisions of this chapter shall not apply to the use of outboard motors or power boats by fish and game department personnel in the performance of their official duties. Notwithstanding the provisions of RSA 270, power boats and outboard motors owned and operated by the state shall be exempt from registration fees but shall be registered as any other power boat or outboard motor.

The Clerk read the amendment in full.

Mr. Bisbee of Derry spoke in favor of the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred House Bill No. 125, An Act relative to taking muskrat, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred House Bill No. 136, An Act relative to injuring property while taking fish and game, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 121, An Act increasing certain penalties for violations of fish and game laws, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Tobin of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 21, An Act repealing the powers of justices of the peace as they relate to the removal of encumbrances on highways, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 179, An Act relating to compensation of jurors, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following new section:

1 *Per Diem.* Amend RSA 500:26 by striking out the word "six" in the third line and inserting in place thereof the word, ten; and by striking out the words "for each day in actual attendance at court, one dollar for expenses," in the fourth and fifth lines, so that said section as amended shall read as follows: 500:26 *Compensation of Jurors.* Grand and petit jurors shall be paid by the county for each day or part of a day which is spent in actual attendance at court, ten dollars each; for travel to and from court each day, each mile seven cents; talesmen shall receive compensation and allowances for travel and expenses in the same manner and amount as grand and petit jurors.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect sixty days after its passage.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Green of Manchester explained the amendment.

(discussion ensued)

Mr. Crosby of Hillsborough further explained the bill.

The question is on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Pillsbury of Manchester moved that the bill be referred to the Municipal and County Government for further study.

On a *viva voce* vote the motion did not prevail.

Mr. Pillsbury of Manchester requested a division vote.

A division vote having been taken and 122 members having voted in the affirmative and 185 members having voted in the negative the motion did not prevail.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Peaslee of Merrimack, for the Committee on Municipal and County Government, to whom was referred House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of non-resident, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Healy of Manchester, Mrs. Kinghorn of Piermont explained the bill.

(discussion ensued)

Mr. Deans of Milford spoke in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Turner of Gilsum, for the Committee on Municipal and County Government to whom was referred House Bill No. 138, An Act relative to birth registration cards, fees for vital statistic records, and for correction of vital records, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Larty of Haverhill, for the Committee on Ways and Means to whom was referred House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

The Senate message announced that the Senate has voted to adopt the amendment offered by Engrossed Bills Committee in the adoption of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 35, An Act relating to bail and recognizances and justices of the peace.

Amend said bill by striking out section 5 and by re-numbering section 6 to read section 5.

Mr. Green of Manchester moved that the House concur in the Engrossed Bills Committee amendment sent down by the Honorable Senate.

On a *viva voce* vote the motion prevailed.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in

the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 342, An Act legalizing certain action taken at the town meeting in the town of Littleton.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 182, An Act relative to the sale of the Concord Armory.

House Bill No. 176, An Act relating to limit of accumulation of The Boys' and Girls' Benefit Fund.

House Bill No. 172, An Act relative to the use of outboard motors and power boats by fish and game department personnel.

House Bill No. 125, An Act relative to taking muskrat.

House Bill No. 136, An Act relative to injuring property while taking fish and game.

House Bill No. 121, An Act increasing certain penalties for violations of fish and game law.

House Bill No. 179, An Act relating to compensation of jurors.

House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of non-resident.

House Bill No. 138, An Act relative to birth registration cards, fees for vital statistic records, and for correction of vital records.

House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds.

On motion of Mrs. Davis of Concord the House adjourned at 12:47 o'clock.

FRIDAY, MARCH 13, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Lord, make me an instrument of Thy peace.

Where there is hatred, let me sow love;

Where there is injury, pardon;

Where there is doubt, faith;

Where there is despair, hope;

Where there is darkness, light;

Where there is sadness, joy.

O Divine Master, grant that I may not so much seek

to be consoled, as to console;

to be understood, as to understand;

to be loved, as to love.

For it is in giving that we receive;

It is in pardoning that we are pardoned;

It is in dying that we are born to eternal life.

- Saint Francis of Assisi (1182-1226)

Salute to the Flag

Mr. Cheney of Newton led the Convention in the Pledge of Allegiance to the Flag.

House

Messrs. Urie of New Hampton, Rollins of Alton and Mrs. Gowing of Dublin were granted leaves of absence for the day on account of inclement weather.

Messrs. Locke of New Boston, Normandin of Laconia, Armstrong of Littleton, Hodgman of Pelham, Chase of Durham and Peever of Salem were granted leaves of absence for the day on account of important business.

Mr. Philbrick of Springfield was granted leave of absence for the day to attend a funeral.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally introduced, read a first and second time, laid upon the table for printing, and referred as follows:

By Mr. Gilman of Farmington, House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls. To the Committee on Transportation.

By Mrs. Prescott of Brentwood, House Bill No. 344, An Act legalizing the annual town meeting held in the town of Brentwood, March 10, 1959. To the Committee on Municipal and County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 344, An Act legalizing the annual town meeting held in the town of Brentwood.

On a *viva voce* vote the motion was adopted.

By Mr. Danforth of Manchester, House Bill No. 345, An Act relative to employment of residents of the state at race meets. To the Committee on Executive Departments and Administration.

By Mr. McMeekin of Haverhill, House Bill No. 346, An Act relative to terms of court for Grafton County. To the Committee on Judiciary.

By Mr. McMeekin of Haverhill, House Bill No. 347, An Act relating to building aid for cooperative school districts. To the Committee on Education.

By the Committee on Rules (Mr. Bell of Plymouth) House Joint Resolution No. 36, Joint Resolution relative to special appropriation for the cancer commission. To the Committee on Appropriation.

By Committee on Rules (Mr. Bell of Plymouth, Mr. Hodgdon of Tuftonboro and Mr. Clement of Rochester) House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways. To the Committee on Appropriations.

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways.

The Clerk read the House Joint Resolution in full.

At the request of Mr. Pillsbury of Manchester, Mr. Bell of Plymouth explained the House Joint Resolution.

(discussion ensued)

Messrs. Deans of Milford and Pillsbury of Manchester spoke against the motion.

Mr. Bell of Plymouth withdrew his motion.

By Mr. Geisel of Manchester, House Joint Resolution No. 38, Joint Resolution relating to the opening date of schools. To the Committee on Resources, Recreation and Development.

Committee Reports

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 18, An Act relative to suspension of motor vehicle licenses by municipal courts, having considered the same, reported the same with the following resolution :

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 183, An Act relating to reaching bank accounts by trustees process, having considered the same, reported the same with the following resolution :

Resolved, That it is inexpedient to legislate.

At the request of Mr. Cilley of Concord, Mr. Crosby of Hillsborough explained the bill.

On a *viva voce* vote the resolution was adopted.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 111, An Act relative to classification of a highway in the town of Gilmanton, having considered the same, reported the same with the following resolution :

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Galloway of Walpole, for the Committee on Public Works, to whom was referred House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch, having considered the same, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Miss Collyer of Lisbon moved that House Bill No. 102 be indefinitely postponed and spoke in favor of the motion.

Messrs. Galloway of Walpole, Pickett of Keene and Stevenson of Bethlehem spoke against the motion.

(discussion ensued)

Mr. Rice of Peterborough moved that the bill be referred to the Committee on Resources, Recreation and Development, and spoke in favor of the motion.

Mr. Galloway of Walpole spoke against the motion.

(discussion ensued)

Mr. Bradley of Hanover spoke in favor of the motion.

(discussion ensued)

Mr. Monahan of Hanover spoke against the motion.

(discussion ensued)

Messrs. Angus of Claremont and McGee of Lincoln spoke against the motion.

(discussion ensued)

Mr. Plourde of Pembroke spoke in favor of the motion.

(discussion ensued)

Mr. Varney of Rochester spoke in favor of the motion.

Messrs. Pickett of Keene and Kelly of Littleton spoke against the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

The question now being, Shall the main question now be put.

On a *viva voce* vote the motion prevailed.

The question now being to refer House Bill No. 102 to the Committee on Resources, Recreation and Development.

On a *viva voce* vote the motion did not prevail.

The question now being, shall House Bill No. 102 be indefinitely postponed.

On a *viva voce* vote the motion did not prevail.

Miss Collyer of Lisbon requested a division vote.

A division being had, and the count being manifestly in the negative, the motion to indefinitely postpone House Bill No. 102 did not prevail.

The question now being, shall House Bill No. 102 be ordered to a third reading.

On a *viva voce* vote the bill was ordered to a third reading.

Personal Privilege

Mr. Kimball of Manchester rose on a point of personal privilege.

Senate Message

The Senate announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

Amend paragraph III of RSA 270:5 as inserted by section I of said bill by striking out the same and inserting in place thereof the following:

III. *Private Board; Outboard Motors.* There shall be paid to the commission for each registration for privately operated outboard motors a fee of four dollars.

Mr. Diffenderfer of Ossipee moved that the House non-concur in the amendment sent down by the Honorable Senate and requested a committee of conference.

On a *viva voce* vote the motion was adopted and the Speaker appointed the following as members of the committee of conference:

Messrs. Diffenderfer of Ossipee, Hart of Laconia and Eastman of Weare.

Resolutions

Mr. Philbrick of Springfield offered the following resolutions:

Whereas, we have learned of the death of George D. Philbrick of Springfield, and

Whereas, Mr. Philbrick was a former fellow-representative to the General Court from that town, therefore be it

Resolved, That we, the members of this House of Representatives do hereby pay tribute to the memory of Mr. Phil-

brick and extend our sincere sympathy to his family, and be it further

Resolved, That the Clerk be instructed to transmit a copy of this resolution to Mrs. Philbrick.

On a *viva voce* vote the resolutions were unanimously adopted.

Mrs. Cooper of Nashua offered the following resolutions:

Whereas, we have learned with sorrow of the passing of Raymond G. Thibault of Nashua, son of Wilfred G. Thibault, duly elected representative from Ward 2, Nashua, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, express our sympathy to Mr. Thibault and his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mr. Thibault.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Committee Changes

Miss Collyer of Lisbon from Aviation to Education.

Mrs. Neale of Hanover from Education to Aviation.

Mr. Bragg of Lancaster to Municipal and County Government.

Mrs. Neale of Hanover as alternate for Mr. Smith of Manchester on Appropriations.

Third Reading

House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it passed House Bill No. 102.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Chase of Concord the House adjourned at 12:47 o'clock.

TUESDAY, MARCH 17, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Francis J. O'Connor, Catholic Chaplain at Mt. Carmel Home and Veterans Administration Hospital of Manchester.

We pray Thee, O God of might, wisdom and justice, through Whose authority laws are enacted, and judgments decreed, assist with Thy holy spirit of counsel and fortitude the members of our State Legislature, in order that their deliberations may be conducted in righteousness, and the laws they enact may be useful to Thy people whom they represent. Let the light of Thy divine wisdom direct the members of the Legislature in all their labors, and may all their actions be ordained to the happiness and prosperity of our state.

We pray for his Excellency the Governor of this state asking God to give him health and strength to carry the heavy burdens of his office.

Finally O God, of mercy, we ask You to bless all the citizens of New Hampshire in order that they may enjoy continual health and prosperity with sincere love for God.

Salute to the Flag

Mr. O'Connor of Manchester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Speaker welcomed as guests of the House, the Republican Women of Merrimack County who are visiting the session in connection with "Legislative Day" for the County, sponsored by the Women's Division of the Republican Party of New Hampshire.

The Chair also welcomed students from Alvirne High School of Hudson under the supervision of Messrs. Steckewicz, Harwood and Booska.

Qualified

Mr. Bragg of Lancaster, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House.

The Speaker introduced Mr. Bragg of Lancaster to the House.

Leaves of Absence

Mr. Armstrong of Littleton was granted leave of absence for the day on account of important business.

Messrs. Wheeler of Keene and Spofford of Jaffrey were granted leave of absence for an indefinite period on account of illness.

Messrs. Brown of Keene, Perrault of Berlin and Mrs. Chase of Concord were granted leave of absence for the week on account of illness.

Messrs. Stone of Webster and Rice of Peterborough were granted leave of absence for the day on account of illness.

Introduction of Bills

The following House Bills and House Joint Resolution were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Bigelow of Warner, House Bill No. 348, An Act establishing a department of commerce. To the Joint Committees on Executive Departments and Administration and Appropriations.

By Mr. Bigelow of Warner, House Bill No. 349, An Act to provide for consolidated bond issue to reimburse the state treasury. To the Committee on Appropriations.

By Mr. Pickett of Keene, House Bill No. 350, An Act relative to display of flowers and plants in food stores. To the Committee on Agriculture.

By Mr. Snow of Gilmanton and Mr. King of Manchester, House Bill No. 351, An Act entitled the Uniform Commercial Code. To the Committee on Judiciary.

By Mr. Pillsbury of Manchester, House Bill No. 352, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1959-1960. To the Committee on Education.

By Mr. Pillsbury of Manchester, House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1960-1961. To the Committee on Education.

By Mr. Monahan of Hanover, House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings. To the Committee on Claims.

Reports of Standing Committees

Mr. Bragdon of Amherst, for the Committee on Agriculture to whom was referred House Bill No. 40, An Act relative to serving milk for drinking from bulk containers, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 *Sale of Milk.* Amend RSA 184:27 by striking out the word "full" in the eleventh line and by striking out the words "patron so served" in the same line and inserting in place thereof the word, patrons, so that said section as amended shall read as follows: 184:27 *Limitations on Requirements.* Nothing contained in this subdivision shall be construed to prevent or prohibit a person from purchasing milk in bulk for uses other than for serving patrons for drinking purposes, nor to prevent the sale or serving of cream, skimmed milk, or butter-milk from bulk, if the same is pure and wholesome and is sold and served as cream, skimmed milk, or buttermilk, nor shall it prevent or prohibit the sale of milk in mixed drinks at soda fountains. Nor shall it serve to prohibit the

serving of homogenized pasteurized milk from dispensers approved by the state department of health whose bulk containers have been filled and sealed at the pasteurization plant, provided that the dispenser is in view of the patrons.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Bragdon of Amherst, for the Committee on Agriculture to whom was referred House Bill No. 245, An Act relative to license fees for persons operating a vehicle used in the business of buying and selling live poultry, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the figures "1959" and inserting in place thereof the figures, 1960, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect as of April 1, 1960.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Bisbee of Derry, for the Committee on Fish and Game, to whom was referred House Bill No. 93, An Act increasing certain resident fishing and hunting license fees, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Hunting Licenses.* Amend paragraph I of RSA 214:9 by striking out the words "two dollars and twenty-five cents" in the first and second lines and inserting in place thereof the words, four dollars, so that said paragraph as amended shall read as follows: I If the applicant is a resident of this state and wishes to hunt, four dollars, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds and game animals under the restrictions of this title.

2 *Fishing Licenses.* Amend paragraph II of RSA 214:9 by striking out the words "two dollars and twenty-five cents" in the first and second lines and inserting in place thereof the words, four dollars, so that said paragraph as amended shall read as follows: II If the applicant is a resident of this state and wishes to fish, four dollars and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport fish and salt water smelt under the restrictions of this title.

3 *Hunting and Fishing Licenses.* Amend paragraph III of RSA 214:9 by striking out the words "three dollars and seventy-five cents" in the second line and inserting in place thereof the words, five dollars and twenty-five cents, so that said paragraph as amended shall read as follows: III If the applicant is a resident of this state and wishes to hunt and fish, five dollars and twenty-five cents, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish and salt water smelt, under the restrictions of this title.

4 *Non-resident Fishing Licenses.* Amend paragraph VIII of RSA 214:9 (supp) by striking out the same and inserting in place thereof the following: VIII If the applicant is a non-resident and wishes to take fresh water fish or salt water smelt only, eight dollars and fifty cents, and the agent shall thereupon issue a non-resident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt fifteen consecutive days, five dollars and twenty-five cents, and the agent shall thereupon issue a fifteen-day non-resident fishing license for said time only under the restrictions of this title, and further provided that if said applicant wishes to take said fish or smelt for three consecutive days, three dollars and seventy-five cents, and the agent shall thereupon issue a three-day non-resident fishing license for said time only under the restrictions of this title.

5 *Takes Effect.* This act shall take effect January 1, 1960.

The report was accepted and the bill was laid on the table for printing of the amendment under the rules.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 180, An Act relative to hawks and owls and the taking of protected birds, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by inserting after the word "poultry" in the fourth line the words, or other property, so that said section as amended shall read as follows:

2 *Taking Protected Birds.* Amend RSA 209 by inserting after section 8 the following new section: 209:8-a
——— *Exceptions.* The owner or occupant of lands, the members of his immediate household or his employees may kill on such lands, hawks or owls destroying poultry or other property. Any person may take protected birds for educational or scientific purposes, provided such person shall first obtain a written permit from the director of fish and game for such purpose. Such permit shall be in such form as the director of fish and game shall prescribe and may be suspended or revoked by him at any time. The provisions of RSA 214:30 to 33 inclusive, shall apply to the permits granted under the provisions of this section.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Lacasse of Berlin, for the Committee on Labor, to whom was referred House Bill No. 224, An Act forbidding discrimination in employment on account of age, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Pickett of Keene moved that the words "Ought to pass" be substituted for the words "Inexpedient to legislate."

Mr. Pickett of Keene spoke in favor of the motion but subsequently withdrew his motion.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 139, An Act relative to report of marriages solemnized outside the state, and increasing fee for solemnizing marriage, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the words, "and increasing fee for solemnizing marriage," so that title as amended shall read as follows: An Act relative to report of marriages solemnized outside the state.

Amend said bill by striking out section 2 and renumbering section 3 to read section 2.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Phillips of Claremont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 196, An Act relative to minimum wages paid to county employees, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Roulston of Salem, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond Brook, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Kearns of Manchester, for the Committee on Rules to whom was referred Resolution concerning length of session, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Belanger of Manchester, for the Committee on Transportation to whom was referred House Bill No. 103, An Act relative to overtaking and passing school busses, having considered the same in new draft and with new title, reported the same with the recommendation that the bill in its new draft and with its new title be recommitted to the Committee on Transportation.

On a *viva voce* vote the resolution was adopted.

Introduction of a Bill in New Draft and New Title

House Bill No. 103, An Act relative to school busses, in new draft and new title, was read a first and second time, laid on the table for printing and referred to the Committee on Transportation.

Mr. Malley of Somersworth, for the Committee on Ways and Means to whom was referred House Bill No. 203, An Act eliminating manufacturers' raw materials from the stock in trade tax, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Lacasse of Berlin, for the Committee on Labor to whom was referred House Bill No. 310, An Act relative to increase of benefit rates, disqualifications for benefits and reciprocal arrangements under the unemployment compensation law, having considered the same, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Angus of Claremont explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gilman of Farmington moved that the order whereby House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls, was referred to the Committee on Transportation be vacated, and that the bill be referred to the Committee on Ways and Means.

Mr. Gilman of Farmington spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 67, An Act to authorize the school district of Farmington to exceed its limit of bonded indebtedness.

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to dispense with the reference to committee and public hearing on Senate Bill No. 67.

On a *viva voce* vote the motion was adopted.

Mr. Gilman of Farmington moved that the rules be further suspended as to permit third reading and final passage of Senate Bill No. 67 at the present time.

On a *viva voce* vote the motion was adopted,

Third Reading

Senate Bill No. 67, An Act to authorize the school district of Farmington to exceed its limit of bonded indebtedness, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 56, An Act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law, with respect thereto.

Senate Bill No. 63, An Act providing for the integration of the present non-contributory pension system of the city of Nashua with old age and survivors insurance.

Senate Bill No. 68, An Act relative to the powers of the city of Dover.

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in the Valley Trust Company of Penacook.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 56, An Act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with respect thereto, to the Committee on Judiciary.

Senate Bill No. 63, An Act providing for the integration of the present non-contributory pension system of the city of Nashua with old age and survivors insurance, to the Nashua Delegation.

Senate Bill No. 68, An Act relative to the powers of the city of Dover, to the Dover Delegation.

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in the Valley Trust Company of Penacook, to the Committee on Banks.

Mr. Gilman of Farmington moved that the rules be so far suspended as to dispense with reference to committee, that the bill be printed in full in today's Journal and made a Special Order for Wednesday, March 18 at 11:01.

On a *viva voce* vote the motion prevailed.

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in the Valley Trust Company of Penacook.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 *Emergency Relief.* School boards of school districts which had funds on deposit in the Valley Trust Company bank of Penacook when that institution was closed on June 24, 1958, by order of the state bank commissioner are hereby authorized to borrow money through the issuance of notes to meet the emergency caused by said funds being held unavailable to pay school district expenses. This authorization shall be considered sufficient to permit the school boards involved to incur indebtedness, subject to the limitations outlined below, without the need for any additional authorization to be voted at an annual

or special school district meeting. Any notes thus issued shall be in the name of and on the credit of the school district. The notes shall be issued in accordance with the provisions of the Municipal Finance Act, RSA 33, insofar as those provisions are not in conflict with the terms of this act. The cost of any such loan shall be borne by the school district. The amount borrowed by a school board under this emergency authorization shall not exceed the amount certified by the state bank commissioner as the total amount credited to the school district in the said Valley Trust Company at the time of the emergency borrowing. The repayment of any such loan shall constitute a binding obligation upon the school district. The school board may determine the length of the term of the loan. Provision shall be made for the loan to be repaid in equal annual installments, with the final payment coming not more than five years after the date of negotiation of the loan. It shall be made a condition for the negotiation of such a loan that all funds released from deposit in the Valley Trust Company shall be applied promptly to repayment of all or a part of the principal of the loan. If less than the face amount of the loan is realized from funds released from deposit, the repayment of that portion of the loan shall serve only to shorten the period required for the district to make payment in full, and shall not be used to reduce the amount of more than one annual payment on the loan.

2 Takes Effect. This act shall take effect upon its passage.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives.

House Bill No. 56, An Act relative to witness fees in criminal cases.

House Bill No. 100, An Act relating to a bridge or bridges across the Merrimack River in the vicinity of Nashua.

House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association.

House Bill No. 8, An Act relative to civil defense powers of the governor to provide emergency lines of succession of appointive state offices.

Report of Engrossed Bills Committee

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 8, An Act relative to civil defense powers of the governor to provide emergency lines of succession of appointive state offices.

House Bill No. 35, An Act relating to bail and recognizances and justices of the peace.

House Bill No. 56, An Act relative to witness fees in criminal cases.

House Bill No. 100, An Act relating to a bridge or bridges across the Merrimack River in the vicinity of Nashua.

House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association.

House Bill No. 218, An Act granting zoning authority to Contoocook Fire Precinct and Hopkinton Village Precinct.

Mr. Batchelder of Deerfield moved that the House reconsider its action whereby it indefinitely postponed House Bill No. 113, An Act activating the state guard in preparation for utilization in event of disaster or war and integrating it within the civil defense organization.

Mr. Batchelder of Deerfield spoke in favor of the motion.

Messrs. Pickett of Keene, Pillsbury of Manchester, Gilman of Farmington and Rufo of Concord were recognized on a point of Parliamentary Inquiry.

(discussion ensued)

Mr. Batchelder of Deerfield withdrew his motion to reconsider House Bill No. 113 at this time.

Mr. Gilman of Farmington moved that further discussion of the matter under consideration be deferred until Thursday next when the Speaker will submit a ruling on same.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The Chair announced that today is the birthday of Mr. Gay of Derry and that yesterday was the birthday of Mrs. Dondero of Portsmouth.

(Mr. Martel of Manchester Ward 3 in the Chair)

L'orateur reconnait l'honorable depute de la cite de Keene, Monsieur Lawrence Pickett pour une proposition

Motion for Third Reading

Le depute de la cite de Keene monsieur Pickett propose que le reglement interieur de la chambre soit suspendu afin de reconnaitre a l'heure actuelle l'ordre du jour de l'apres-midi, de proceder a la troisieme lecture des projets de lois et des resolutions conjointes par leur titres seulement.

On a *viva voce* vote the motion prevailed.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 40, An Act relative to serving milk for drinking from bulk containers.

House Bill No. 245, An Act relative to license fees for persons operating a vehicle used in the business of buying and selling live poultry.

House Bill No. 180, An Act relative to hawks and owls and the taking of protected birds.

House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens.

House Bill No. 310, An Act relative to increase of benefit rates, disqualifications for benefits and reciprocal arrangements under the unemployment compensation law.

House Bill No. 139, An Act relative to report of marriages solemnized outside the state.

House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children.

Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider its vote whereby it passed House Bill No. 148.

On a *viva voce* vote the motion did not prevail.

House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond Brook.

On motion of Mrs. Ayer of Pittsfield the House adjourned at 12:32 o'clock.

WEDNESDAY, MARCH 18, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Dr. Rodney W. Roundy, retired superintendent of Maine Congregational Churches and former minister in Keene and Laconia:

Almighty God, Father of us all, in whom we live and move and have our being, we look to Thee as we are gathered here for the affairs of state on this March morning. We would wait upon Thee.

Forgive us all for our sins and shortcomings — our selfishness, our carelessness, our neglects and oversights.

We invoke, in this morning hour, Thy blessing upon the members of this General Court of this Commonwealth of New Hampshire here gathered for the business of this day.

We pray for these public servants of New Hampshire as they counsel together in the things which relate to the welfare of this state and its people.

Guide Thou the thoughts of these men and women, direct their decisions, help them to rightly measure their spoken words, and confirm as Thou seest wise and right their decisions. Bless them in their personal lives, their homes, their communities.

May the ongoing of the affairs of this day and of all Legislative days be in keeping with the divine injunction "Except the Lord build the house, they labor in vain who build it." Amen.

Salute to the Flag

Mr. Burleigh of Northfield led the Convention in the Pledge of Allegiance to the Flag.

Introduction

The Chair introduced The Reverend Dr. Mark Strickland, pastor of the Hanover Street Congregational Church in Manchester, who addressed the Joint Convention on the subject. "Twenty Days Behind the Iron Curtain."

On motion of Senator English from District 11, the Convention rose.

House

Guests

The Chair introduced the members of the Senior class of Farmington High School as guests of the House sponsored by Messrs. Drew and Gilman of Farmington.

The Chair also introduced members of the junior class of the Tilton-Northfield High School, sponsored by Mr. Burleigh of Northfield.

Leaves of Absence

Messrs. Pinkham of Northwood, Ducheno of Wakefield and Karagianis of Laconia were granted leaves of absence for the day on account of important business.

Reports of Standing Committees

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 160, An Act providing a longer season and increased license fees for bow and arrow hunting, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 194, An Act relative to personnel at the state department of health laboratory, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. White of Portsmouth, for the Committee on Public Health to whom was referred House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Claflin of Wolfeboro explained the bill and yielded the floor to Mrs. White of Portsmouth, Ward 5, who further explained the bill.

Mr. Bradley of Hanover also explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gilman of Farmington called for the Special Order on Senate Bill 82, An Act to provide emergency relief for

certain school districts with funds on deposit in the Valley Trust Company of Penacook.

The question now being, shall the bill be read a third time.

On a *viva voce* vote the bill was ordered to a third reading:

Opinion Sent Down From the Supreme Court

To the House of Representatives:

The undersigned Justices of the Supreme Court submit the following answers to the inquiries contained in your resolution dated February 26, 1959, and filed in this court March 3, 1959, relating to House Bill No. 165, "An Act establishing a franchise tax on gas and electric utilities."

House Bill No. 165 proposes in section 83-A:2 a franchise tax on gas and electric utilities in the following language:

"83-A:2 *Tax Imposed.* Every public utility shall pay to the state, annually, a special tax upon the franchise exercised by such public utility within the state, such tax to be assessed at a rate equal to three per cent of the income such public utility derives in this state during the calendar year of assessment from the exercise of such franchise."

Under another section of the bill (83-A:1 V) income is defined in the following language:

" 'Net income derived from the exercise of franchise,' " hereinafter referred to as 'income,' shall mean net utility operating income less deductions from income as reported in accordance with the applicable uniform classification of accounts of the public utilities commission in effect on the date of the passage of this chapter."

The power of the Legislature to select the franchises of gas and electric utilities as the subject of a special tax has been approved in prior decisions. *Opinion of the Justices*, 84 N. H. 559, 569; *Opinion of the Justices*, dated January 16, 1958, 101 N. H. ———, 137, A. 2d 726, 732. The bill would impose such a tax upon the exercise of the franchises in question, to be measured by the net income derived from such exercise by the taxpayer. As was indicated by the advisory opinion last cited, we consider that such a tax is permitted by the Constitution. *Opinion of the Justices, supra*, 137 A. 2d 726, 731-732. The bill discloses no conflict with the New Hampshire Constitution. Accordingly the answer to your first question "Does said bill

conflict with or violate the New Hampshire Constitution in any of its provisions?" is no.

The second question in effect is whether House Bill No. 165 would be constitutional if the rate of taxation were set at eight per cent rather than three per cent. While this question is primarily legislative rather than judicial we assume that it seeks to raise the question whether an eight per cent tax would be confiscatory or arbitrary. In the absence of any briefs or memoranda filed by the State or interested parties, and in the further absence of any report of the special commission to study public utility taxation (Laws 1958, Sp. Sess., c. 5, s. 4) we must answer the inquiry in a limited manner. See *Opinion of the Justices*, 97 N. H. 533, 540; Note, Judicial Determination in Nonadversary Proceedings, 72 Harv. L. Rev. 723 (1959).

On its face a franchise tax of eight per cent measured by income as defined in House Bill No. 165 would not be confiscatory, nor would the tax be arbitrary for the reasons set forth in the *Opinion of the Justices*, *supra*, 101 N. H. ———, 137 A. 2d 726. See also, *Railway Express, Inc. v. Virginia*, ———, U. S. ———, decided February 24, 1959.

FRANK R. KENISON
LAWRENCE J. DUNCAN
AMOS N. BLANDIN
EDWARD J. LAMPRON
STEPHEN M. WHEELER,

March 18, 1959.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate bill:

Senate Bill No. 67, An Act to authorize the school district of Farmington to exceed its limit of bonded indebtedness.

The report was accepted.

Mr. Pappagianis of Nashua moved that the rules of the House be so far suspended as to allow the withdrawal of House Bill No. 341, An Act establishing a comprehensive system of District Courts.

Mr. Pappagianis spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke against the motion.

Mr. McMeekin of Haverhill rose to a point of Parliamentary Inquiry.

Mr. Pappagianis of Nashua withdrew his motion and moved that the rules be so far suspended as to dispense with the printing of House Bill No. 341.

On a *viva voce* vote the motion prevailed.

Mr. McMeekin of Haverhill requested that the Clerk read House Bill No. 341.

Reconsideration

Mr. McMeekin of Haverhill moved that the House reconsider its vote whereby it dispensed with the printing of House Bill No. 341.

Mr. McMeekin of Haverhill spoke in favor of the motion.

Mr. Pappagianis of Nashua spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The question now being on the motion of Mr. Pappagianis of Nashua that House Bill No. 341 not be printed.

Mr. Pappagianis of Nashua withdrew his motion.

Mr. Chandler of Bartlett moved that the rules of the House be so far suspended as to dispense with a public hearing on Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank.

The Clerk read Senate Bill No. 48 in full.

Mr. Chandler of Bartlett spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail.

Resolutions

Mrs. Ayer and Mr. McGrath of Pittsfield introduced the following resolutions:

Resolutions

Whereas, we have learned of the illness of our former fellow member, Eralsey C. Ferguson of Pittsfield, and

Whereas, Mr. Ferguson was also President of the 1957 Senate, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby extend our sympathy to Mr. Ferguson and our best wishes for his speedy recovery and return to good health, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Ferguson.

On a *viva voce* vote the resolutions were unanimously adopted.

Committee Changes

Mr. Bragg of Lancaster from Municipal and County Government to Public Health.

Mr. Watson of Belmont from Public Health to Municipal and County Government.

The Speaker announced that today is the birthday of Mr. Bouvier of Swanzey and Mr. Gay of Derry.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 160, An Act providing a longer season and increased license fees for bow and arrow hunting.

House Bill No. 194, An Act relative to personnel at the state department of health laboratory.

House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons.

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in the Valley Trust Company of Penacook, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Hayward of Hanover the House adjourned at 12:34 o'clock.

THURSDAY, MARCH 19, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, amid the insincerities of life, grant those who here are united in prayer a spirit of genuineness.

May our Governor, the members of the Council and the men and women of the General Court of New Hampshire by their integrity of purpose come to merit the increased respect of the citizenry of our Granite State. Let the people of this State take pride in their government, and those who govern join hand with those who have delegated authority to the end that honest efforts shall yield honest accomplishments, expenditures shall net in genuine services and the commonwealth of the people may be central to all our actions. Amen.

Salute to the Flag

Mr. Mulaire of Hooksett led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced pupils of Grade 8 of the Underhill School of Hooksett, accompanied by their Principal, Josie Bean and Teacher, Miss Winona Walker as guests of the House sponsored by Mr. Mulaire of Hooksett.

Leaves of Absence

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Mr. Haley of Keene was granted leave of absence for the week of March 24th on account of important business.

Introduction of Bills

The following House Bills and House Joint Resolution were severally introduced, read a first and second time, laid upon the table for printing, and referred as follows:

Mrs. Griffin of Auburn (Committee on Rules), House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Auburn. To the Committee on Municipal and County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 354 and spoke for the motion.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

By the Committee on Rules (Mrs. Neale of Hanover) House Bill No. 355, An Act relative to officers of credit unions. To the Committee on Banks.

By Mr. Hodgdon of Tuftonboro, House Bill No. 356, An Act providing for an additional appropriation for expenses of the legislature. To the Committee on Appropriations.

By Mr. Duchano of Wakefield, House Bill No. 357, An Act relative to folding and depositing ballots at elections. To the Committee on Executive Departments and Administration.

By Mr. Aucella of Bennington and Mr. Edwards of Antrim, House Bill No. 358, An Act providing for a study as to the feasibility of certain towns in Hillsborough county being annexed to the county of Cheshire. To the Committee on Municipal and County Government.

By Mr. Claflin of Wolfeboro, House Bill No. 359, An Act providing for admission of fact or execution of paper in actions at law or suits in equity. To the Committee on Judiciary.

By Mr. Claflin of Wolfeboro, House Bill No. 360, An Act relative to the doctrine of comparative negligence. To the Committee on Judiciary.

By Mr. DeGrace of Manchester, House Bill No. 361, An Act relative to sale of recapped motor vehicle tires. To the Committee on Transportation.

By Mr. Bradley of Hanover, House Bill No. 362, An Act relative to certificates of teachers in certain cases. To the Committee on Education.

By Mr. Hart of Laconia, House Bill No. 363, An Act relating to the city charter of the city of Laconia. To the Laconia Delegation.

By Mr. Rice of Peterborough and Mrs. Herrick of Deering, House Bill No. 364, An Act establishing the humane slaughter law. To the Committee on Public Health.

By Mr. Hancock of Concord, House Bill No. 365, An Act relative to determination of final compensation under state

employees retirement system. To the Committee on Executive Departments and Administration.

By Mr. Lavoie of Manchester, House Bill No. 366, An Act relative to spite fences. To the Committee on Executive Departments and Administration.

By Mrs. Hartigan of Rochester and Mr. Watson of Rochester, House Bill No. 367, An Act providing for an assistant superintendent for the city of Rochester. To the Committee on Education.

By Mr. King of Manchester, House Bill No. 368, An Act relative to recording certain instruments. To the Committee on Judiciary.

By Mrs. DeLude of Unity, House Bill No. 369, An Act relative to transfers of certain juvenile cases to the superior court. To the Committee on Judiciary.

By Committee on Rules (Mr. Merrill of Exeter) House Bill No. 370, An Act concerning trustee process on county officials or employees. To the Committee on Judiciary.

By Committee on Rules (Mr. King of Manchester) House Bill No. 371, An Act disannexing a certain homestead in the town of Goffstown from the city of Manchester for school purposes. To the Committee on Municipal and County Government.

By Mr. Urie of New Hampton, House Bill No. 372, An Act legalizing the proceedings of the annual meeting of the New Hampton School District. To the Committee on Municipal & County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 372.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

By Committee on Rules (Mr. McMeekin of Haverhill and Mrs. DeLude of Unity) House Joint Resolution No. 40, Joint Resolution relative to apportionment of representatives in the House of Representatives. To the Committee on Appropriations.

Mr Gilman of Farmington moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 356 and spoke for the motion.

On a *viva voce* vote the motion was adopted.

Committee Reports

Mr. Littlehale of Durham, for the Committee on Municipal and County Government to whom was referred Senate Bill No. 41, An Act relative to permission to towns to appropriate money for payment of association dues, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Charland of Franklin, for the Special Committee consisting of the members from the city of Franklin to whom was referred House Bill No. 188, An Act relative to the board of education of the city of Franklin, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the figure "1960" in line 1 of said section, and inserting therefor the figure, 1959, so that said section as amended shall read as follows:

2 *Present Incumbents.* At the election held in 1959 ward members shall be elected as follows: one from ward 1 for a period of one year, one from ward 2 for a period of two years. and one from ward 3 for a period of three years. The persons holding office as members of the board of education at the time of the passage hereof and whose present terms extend beyond the Monday in January next following shall, upon said next Monday, become the members at large, and shall serve as such until the expiration of such present terms. The successors of the ward members and of the members at large shall be chosen in the manner prescribed in section 1 hereof.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Fortier of Berlin, for the Special Committee consisting of the members from the county of Coos to whom was referred Senate Bill No. 34, An Act providing for the election of county commissioners for the county districts of Coos county, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Taken from the Table

Under the rules House Bill No. 93, An Act increasing resident fishing and hunting license fees, was taken from the table.

The Chair announced that the amendments were printed on pages 6 and 7 of the Journal of March 17th.

The question is on the adoption of the amendments as offered by the committee.

On a *viva voce* vote the Yeas appeared to have it.

Mr. Chandler of Bartlett asked for a division vote.

A division being had and 59 members having voted in the affirmative and 225 members having voted in the negative the amendments were not adopted.

Reconsideration

Mr. Pillsbury of Manchester moved reconsideration, and spoke in favor of the motion.

Mr. Bisbee of Derry spoke in favor of the motion.

(discussion ensued)

Mr. Kearns of Manchester moved that the bill be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Gilman of Farmington moved that House Bill No. 93 be recommitted to the Committee on Fish and Game and spoke in favor of the motion.

(discussion ensued)

Messrs. Rollins of Alton, Wardwell of Portsmouth, Willey of Campton, Hodgman of Pelham, Geisel of Manchester, Perry of Newbury, Kelley of Littleton, Bisbee of Derry and Oliver of Marlborough spoke in favor of the motion.

Messrs. Chandler of Bartlett, Diffenderfer of Ossipee, Twardus of Newmarket and Crosby of Hillsborough spoke against the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being on the motion to recommit House Bill No. 93.

On a *viva voce* vote the motion did not prevail.

Mr. Gilman of Farmington requested a division vote.

Mr. Bisbee of Derry demanded the Yeas and Nays and subsequently withdrew his demand.

Mr. Gilman of Farmington renewed his request for a division vote.

A division being had and 141 members having voted in the affirmative and 207 members having voted in the negative the motion to recommit did not prevail.

Mr. Merrifield of Sunapee demanded the Yeas and Nays and subsequently withdrew his demand.

The question now being on the motion of Mr. Kearns of Manchester that House Bill No. 93 be indefinitely postponed.

Mr. Merrifield of Sunapee demanded the Yeas and Nays.

The roll being called and 226 members having voted in the affirmative and 142 members having voted in the negative the motion to indefinitely postpone prevailed.

Yeas, 226

SULLIVAN COUNTY: Gaffney, Russell, Angus, Nahil, Burrows, D'Amante, Desnoyer, Wirkkala, Downing.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Plumer, Graham of Canaan, Sanborn of Enfield, Hayward of Hanover, Neale, Larty, Beard, Coutermarsh, Guay of Lebanon, Porter, Collyer, Armstrong of Littleton, Haskins, Cushman, Kinghorn, Bell, Loizeaux, Barney.

COOS COUNTY: Dussault, Fortier, Desilets, Brungot, Christiansen, Bouchard, Gagnon, Oakes, Graham of Gorham, Bragg, Swett, Potter, Baker, Stinson.

ROCKINGHAM COUNTY: Persson, Gay of Derry, Blair, Weeks, Spollett of Hampstead, Palmer of Kensington, Long, Sheehy, LaBranche, Twardus, Carter, Palmer of Plaistow, Blaisdell, White of Portsmouth, Ward 5, Cross, Peever, Willis, Gordon of Sandown, Waterhouse.

STRAFFORD COUNTY: Leighton, Desjardins, Grimes, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Randall, Hartigan, Watson, Lacasse of Rochester, Johnson of Rochester, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley.

BELKNAP COUNTY: Watson, Hart of Laconia, Lacaille, Normandin, Prescott of Laconia, Burbank, O'Shan, MacIsaac, Pickering of Meredith, Smith of Meredith, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Chamberlain of Wolfboro.

MERRIMACK COUNTY: Guilbeault, Hanson, Moore, Laflamme, Dowd, Davis of Concord, Henry, Hancock, Woodman, Lessels, Robinson of Concord, O'Neil of Concord, Maxham, Rufo, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Burleigh, Plourde, Thibeault of Pembroke, McGrath, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Farwell, Herrick, Vadney, Branch, Hambleton, Poor, Taft, Crosby, Daneault, Gallagher, Gamache, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Kimball of Manchester, Martel of Manchester, Ward 3, Sullivan, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Casey, Ecker, Healy of Manchester, Ward 6, O Connor, LaFrance, Leclerc, Tessier, Champagne, Compagna, Delisle, Lavoie, Pellissier, Morris, Belanger, Bergeron, Kearns, King, Hurley, Lafond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12, Maston, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cooper, Saunders, Salvail, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonnette, Bouley, Grandmaison, Latour, Sablusi, Bouthillier, Eastman of Weare, Draper.

CHESHIRE COUNTY: Pike, Gordon of Jaffrey, Haley, Keating, Bennett, Faulkner, Kretowicz, Pickett, Forbes, Allen, Bouvier, Hackler, Ballam.

Nays, 142

SULLIVAN COUNTY: Bradbury, Phillips, Davis of Cornish, Marx, Bailey, Brown of Newport, Spalding, Philbrick of Springfield, Merrifield, DeLude.

GRAFTON COUNTY: Stevenson, Willey, Bradley of Hanover, Monahan, McMeekin, Clement of Landaff, Whipple, Bur-

rill, Kelley, Birch, Johnson of Monroe, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Lacasse of Berlin, March, Emerson, Crockett, Kimball of Jefferson, Bushey, Styles, Converse, Emery, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Spollett of Chester, Batchelder, Bisbee, Kimball of Derry, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Hunter, Junkins, Sanborn of Hampton Falls, Shepard, Jenkins, Cheney, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, White of Portsmouth, Ward 4, Ingraham, Carkin, Langford, Roulston, Felch, Robinson of South Hampton, Barker.

STRAFFORD COUNTY: Berry, Blanchette, Wiggin of Dover, Dunnington, Bevan, Chase of Durham, Littlehale, Drew, Gilman of Farmington, Reid, Moulton, Rolfe, Maxfield, St. Pierre, Clement of Rochester, Varney, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Lord, Snow, Harkins, Ayre of Laconia, Karagianis, Varrell, Urie, Atwood.

CARROLL COUNTY: Hodgdon, Duchano, Clafin.

MERRIMACK COUNTY: Phelps, Bates, Peaslee of Concord, Cilley, Gove, Newell, Carr, Leonard of Franklin, Carpenter, Lafond of Hooksett, Mulaire, Presby, Perry, London, Ayer of Pittsfield, Hunt, Bigelow.

HILLSBOROUGH COUNTY: Wiggin of Bedford, Aucella, Nickerson of Goffstown, Goodwin, Geisel, Goode, Pillsbury, Hart of Manchester, Tobin, Armstrong of Manchester, Cole, Underhill, Pappagianis, Locke, Thompson of New Ipswich, Hodgman, Dutton, Rice.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Turner, Stearns, Terrill, McCullough, Oliver, Congdon, Gallo-way, Terry, Frost, Sawyer.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which

amendment the Senate asks the concurrence of the House of Representatives:

HB 80, An Act relative to the salary of the justice of the Somersworth municipal court.

Amend said bill by inserting after section 1 the following new section:

2 *Justice of Goffstown Municipal Court.* Amend RSA 502 by inserting after section 7, as amended, the following new section: 502:7-a *Salary.* The salary of the justice of the municipal court of the town of Goffstown shall be in the amount of nine hundred dollars per annum. Said salary shall be paid from the treasury of the town of Goffstown and may be paid quarterly or monthly.

Further amend said bill by renumbering section 2 to read section 3.

Amend the title by striking out the same and inserting in place thereof the following:

An Act relative to the salaries of the Justices of the Somersworth Municipal Court and the Municipal Court of Goffstown.

Mr. Habel of Somersworth moved that the House concur in the amendment sent down by the Honorable Senate.

On a *viva voce* vote the motion prevailed.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offense.

Senate Bill No. 10, An Act relating to the operation of motor vehicles for emergency purposes.

Senate Bill No. 86, An Act relative to Stratford School District.

Introduction of Senate Bills

The following Senate Bills were severally read a first and second time, laid upon the table and referred as follows:

Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offense, to the Committee on Judiciary.

Senate Bill No. 10, An Act relating to the operation of motor vehicles for emergency purposes, to the Committee on Executive Departments and Administration.

Senate Bill No. 86, An Act relative to Stratford School district, to the Committee on Municipal and County Government.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to dispense with the reference to committee and that bill be placed on third reading and final passage at the present time, and spoke in favor of the motion.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 86, An Act relative to Stratford school district, was read a third time, passed and sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees.

House Bill No. 114, An Act relative to the definition of Fly under fishing laws.

House Bill No. 116, An Act relative to the misuse of deer coupons.

House Bill No. 118, An Act relative to the prohibited use of artificial lights in night hunting.

House Bill No. 218, An Act granting zoning authority to Contoocook Fire Precinct and Hopkinton Village Precinct.

Report of Committee on Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate bill:

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in the Valley Trust Company of Penacook.

The report was accepted.

Resolutions

Mrs. Palmer of Plaistow introduced the following resolution for the Manual committee:

Resolved, That the resolution relative to the Legislative Manual be amended by striking out the whole of said resolution and inserting in place thereof the following:

Resolved, That a committee of three be appointed by the Speaker to assist the Clerk in providing as soon as possible 1,500 paper bound copies of the Legislative Manual in substantially the same form as that of 1957.

On a *viva voce* vote the resolution was adopted.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it adopted the above resolution, and spoke in favor of the motion.

Mrs. Palmer of Plaistow explained the resolution.

On a *viva voce* vote the motion to reconsider prevailed.

The Clerk read the resolution.

(discussion ensued)

On a *viva voce* vote the resolution was not adopted.

Mr. Wirkkala of Lempster offered the following resolutions:

Whereas, Lucius Nichols of Lempster has passed away, and

Whereas, he represented his town in the House of Representatives and served his town as selectman and held other town offices, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to our former Fellow Member for his services to his town and state and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these Resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mrs. Brungot of Berlin offered the following resolutions:

Whereas, Irving Young of Concord is ill in the hospital, and

Whereas, he has served the Legislature well in his capacity as State House Guide, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to Mr. Young in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Mr. Young a copy of these Resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Pike of Fitzwilliam offered the following resolutions:

Whereas, Herbert Willard of Temple is ill in the hospital, and

Whereas, he is serving the House as a page, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our page, and be it further

Resolved, That the Clerk of the House transmit to Herbert Willard a copy of these Resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Speaker's Rulings

The House voted to indefinitely postpone further consideration of House Bill No. 113.

The question was raised as to whether reconsideration was in order after the bill had been indefinitely postponed. The Chair finds that previous Speakers have ruled on this question both affirmatively and in the negative. However, after considerable study it is clearly the intent that the motion to indefinitely postpone is final unless a motion is made to again consider the subject matter under the provisions of Rule No. 26 which provides that such a motion must be sustained by two thirds of the whole number of elected members.

The question was raised as to whether a member having voted in the minority could move for reconsideration. Rule No. 30 is clear in its intent that only those members having voted with the majority can move for reconsideration, therefore, the Chair rules that any member who has voted with the majority must so state prior to making a motion for reconsideration.

The Chair announced that today is the birthday of Messrs. Hunter of Hampton and Blanchard of Jackson.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday at 11:00 o'clock.

Third Readings

Senate Bill No. 41, An Act relative to permission to towns to appropriate money for payment of association dues, was read a third time, passed, and sent to the Secretary of State to be engrossed.

House Bill No. 188, An Act relative to the board of Education of the city of Franklin, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Goodwin of Hollis the House adjourned at 1:24 o'clock.

TUESDAY, MARCH 24, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal God, we pray that we may be dedicated in the spirit of this morning's prayer:—

May ugliness be turned to beauty;
routineness be transformed by inspiration;
the complexity of living yield to purposefulness;
despair give way to peace;
contentment be upset by a constructive unrest;
hate be overcome by love.

May it be that we shall have the grace and good fortune to share in the fulfillment of Thy will.

Let the affairs of state be an ever more perfect reflection of Thy kingdom, each one of us Thy servants.

Amen.

Salute to the Flag

Mr. Gamache of Hudson led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced the following groups as guests of the House:

A group of seniors from the Exeter High School as guests of the Exeter Delegation.

A group of 7th and 8th Grades of Swasey Central School as guests of Mrs. Prescott of Brentwood.

A group of ladies from Ward 1 of Manchester as guests of the Manchester Delegation.

Leaves of Absence

Mr. Lafond of Hooksett was granted leave of absence for the week on account of death in the family.

Mrs. Brown of Sandwich was granted leave of absence for the day on account of death in the family.

Mrs. Blanchette of Dover and Mr. Geisel of Manchester were granted leaves of absence for Tuesday and Wednesday on account of death in the family.

Mrs. White of Portsmouth, Ward 4 and Mrs. Neale of Hanover were granted leaves of absence for the week on account of illness.

Mr. Ingraham of Portsmouth was granted leave of absence for the day on account of illness.

Miss Bailey of Newport was granted leave of absence for today on account of important business.

Introduction of Bills

The following bills were severally read a first and second time, laid upon the table for printing, and referred as follows:

By Mr. King of Manchester, House Bill No. 373, An Act adopting the uniform mandatory disposition of detainers act. To the Committee on Judiciary.

By Mr. Rufo of Concord, House Bill No. 374, An Act prohibiting certain public utilities from selling certain appliances. To the Committee on Executive Departments and Administration.

By Mr. MacIsaac of Laconia, House Bill No. 375, An Act transferring the operation of parking areas at Hampton to the public works and highways department. To the Committee on Public Works.

By Mr. King of Manchester, House Bill No. 376, An Act adopting the uniform statute of limitations on foreign claims act. To the Committee on Judiciary.

By Mrs. DeLude of Unity, House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act. To the Committee on Judiciary.

Mr. Deans of Milford moved that the order whereby Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank, was referred to the committee on Ways and Means be vacated and the bill be referred to the committee on Municipal and County Government.

At the request of Mr. Pillsbury of Manchester, Mr. Deans of Milford explained the reason for his motion.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Mrs. DeLude of Unity for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 47. An Act relative to annual payments to retirement board by call, volunteer or substitute firemen, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Joint Resolution No. 7, A Joint Resolution in favor of Ralph Chapman, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or

aircraft, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred House Bill No. 115, An Act relative to reciprocal fishing rights in the Connecticut River, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Kearns of Manchester, for the Committee on Ways and Means to whom was referred House Bill No. 87, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a Minority of the Committee on Ways and Means to whom was referred House Bill No. 87, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission, having considered the same and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

House Bill No. 87, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission.

Amend and supplement House Bill No. 87 in the following manner:

A. Paragraph 285-A:16, *Issuance of License*, line 164, by adding at the end of said sentence the following:

“No license shall be issued to permit greyhound racing meetings to be held or conducted at the same time at more than one race track within 50 miles of another greyhound race track in the state of New Hampshire, nor at any time at more

than two greyhound race tracks within the state, nor at a greyhound race track having a racing strip of less than $3/16$ of a mile for outdoor tracks and $1/5$ of a mile for indoor tracks," so that said section 16, as amended and supplemented shall read as follows:

"285-A:16 *Issuance of Licenses*. If the commission is satisfied that all of the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the greyhound races or race meets are to be held, and the time and number of days during which greyhound racing may be conducted by said licensee. No license shall be issued to permit greyhound racing meetings to be held or conducted at the same time at more than one race track within 50 miles of another greyhound race track, nor at any time at more than two greyhound race tracks within the state, nor at a greyhound race track having a racing strip of less than $3/16$ of a mile for outdoor tracks and $1/5$ of a mile for indoor tracks. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, or fifty per cent or more of the voting stock of the corporation and the corporation shall not hold a greyhound race or meet for public exhibition without a new license."

B. Paragraph 285-A:22, *Pari Mutuel Pools*, by deleting therefrom, starting with the first sentence of line 261 to the end of line 266, the following:

"For the purpose of the exception set forth in this section, an 'agricultural fair' shall be deemed to be such an association as does provide for any pay premiums of five thousand dollars, or more, annually as is determined by the commission of agriculture in accordance with section 25 of this chapter."

C. Paragraph 285-A:23, *Tax*, by striking out the sentence beginning at the end of line 287 to line 294 inclusive, which reads:

"Of the amounts so paid to the state treasurer, a sum equal to ninety-five per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter, and a sum equal to five per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture," and substituting in place thereof the following:

"Of the amounts so paid to the state treasurer, a sum equal to forty per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter, a sum equal to fifty per cent of said total contributions shall be distributed by the state treasurer to the various towns of the state, the share of each town to be determined by the ratio which its population bears to the total population of the state by the last decennial census taken by authority of the United States, and the balance of ten per cent of said total contributions shall be expended for a State Educational Scholarship Fund in the state under the direction of the commissioner of education in accordance with the provisions of section 25 of this chapter," so that section 285-A:23, *Tax*, as amended and supplemented, shall read as follows:

"285-A:23 *Tax*. Each person, association or corporation licensed to conduct a greyhound race or race meet under this chapter shall pay to the treasurer a sum equal to the following percentages of the daily total contributions of all pari-mutuel pools conducted or made at any greyhound race or race meet for each day licensed hereunder. Three and one-half per cent of so much of the total amount deposited by patrons so wagering at such meet as does not exceed seventy-five thousand dollars; five per cent of so much thereof as exceeds seventy-five thousand dollars but does not exceed one hundred ten thousand dollars; six per cent of so much thereof as exceeds one hundred ten thousand dollars but does not exceed one hundred forty thousand dollars; seven per cent of so much thereof as exceeds one hundred forty thousand dollars but does not exceed two hundred fifty thousand dollars; eight and one-quarter per cent of so much thereof as exceeds two hundred fifty thousand dollars but does not exceed three hundred seventy-five thousand dollars; eight and three-quarters per cent of so much thereof as exceeds three hundred seventy-

five thousand dollars. Of the amounts so paid to the state treasurer, a sum equal to fifty per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter, a sum equal to forty per cent of said total contributions shall be distributed by the state treasurer to the various counties of the state, the share of each county to be determined by the ratio which its population bears to the total population of the state by the last decennial census taken by authority of the United States, and the balance of ten per cent of said total contributions shall be expended for a State Educational Scholarship Fund in the state under the direction of the commissioner of education in accordance with the provisions of section 25 of this chapter. Each person, association or corporation licensed to conduct a greyhound race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of three hundred dollars for each day of racing, provided said person, association, or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for eight days or less, the said per diem fee shall be determined by the commission.

D. Paragraph 285-A:25, *Distribution to Agricultural Fairs*, by striking out all of said section and substituting in place thereof the following:

“285-A:25 *State Educational Scholarship Fund*. The portion of the tax on pari-mutuel pools to be distributed for the promotion of education, as provided in section 23 hereof, shall be distributed by the commissioner of education in accordance with the following plan: Each year a sum equal to fifty per cent of said Educational Scholarship Fund shall be made available to worthy, qualified, eligible and deserving students, residents of the State of New Hampshire, attending the University of New Hampshire, twenty-five per cent of said Educational Scholarship Fund to such students, residents of the State of New Hampshire, attending Plymouth Normal School, and the balance of twenty-five per cent of said Educational Scholarship Fund to such students, residents of the State of New Hampshire, attending Keene Normal School.

E. Paragraph 285-A:26, *Reports as to Basis of Distribution*, by striking out the whole of said section and substituting in place thereof the following:

“285-A:26 *Distribution of State Educational Scholarship Fund*. The commissioner of education shall make such reasonable rules and regulations relative to the requirements for and eligibility of students for said State Educational Fund as he may deem necessary to enable him to determine the recipients of the pro rata distributions to be made of the sums hereinbefore provided.”

F. Paragraph 285-A:27 *Audit by the Commissioner of Accounts of Agricultural Fairs*, by the deletion of said section in its entirety.

G. Paragraph 285-A:28 *Report of Audit*, by the deletion of said section in its entirety.

H. Paragraph 285-A:29 *Records for Purpose of Audit*, by the deletion of said section in its entirety.

I. Paragraph 285-A:30 *Failure to Keep Records*, by the deletion of said section in its entirety.

J. Amend the numbers of sections 31 to 40 inclusive by changing the numbers of said sections to reflect the deletion of the original sections 27-30 inclusive of said bill.

K. Amend and supplement Paragraph 285-A:39 (as amended Section 35). *Approval of Location*, by adding at the end of said section, line 442, the following:

“Provided, however, that such approval shall not become effective unless and until it shall be ratified and confirmed by a majority vote of the legal voters present and voting at the next annual, biennial, or special city election in cities, or, at the next annual or special meetings in towns,” so that said section, as amended and supplemented shall read as follows:

“285-A:35 *Approval of Location*. No license for a racing meeting shall be granted by the commissioner for greyhound racing in any city or town in the state unless the location of the race track where such meeting is to be held or races conducted has been once approved by the mayor and aldermen of said city or the selectmen of said town, provided,

however, that such approval shall not become effective unless and until it shall be ratified and confirmed by a majority vote of the legal voters present and voting at the next annual, biennial, or special city election in cities, or, at the next annual or special meetings in towns."

ALBERT N. DION,
ROBERT DUCHANO,
FERNE PRESCOTT,
WALTER P. KRETOWICZ,
DENNIS F. CASEY.

The reports were accepted.

Mr. Nickerson of Goffstown moved that the report of the minority "Ought to Pass with amendment" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Kearns of Manchester moved that House Bill No. 87 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke against the motion.

Mr. Bevan of Durham spoke in favor of the motion.

(discussion ensued)

Messrs. Stearns of Hinsdale, Malley of Somersworth and Sanborn of Hampton Falls spoke in favor of the motion.

Mr. Terrill of Keene and Miss Collyer of Lisbon spoke against the motion.

The Speaker declared a fifty minute recess.

Recess

After Recess

The question is on the motion of Mr. Kearns of Manchester that House Bill No. 87 be indefinitely postponed.

Mrs. Palmer of Plaistow and Miss Spollett of Hampstead and Messrs. Coutermarsh of Lebanon, Burrill of Littleton, Clement of Landaff and Deans of Milford spoke in favor of the motion.

Messrs. McIsaac of Laconia, Lacasse of Berlin, Duchano of Wakefield, Martel of Manchester, Ward 3 and Guay of Lebanon spoke against the motion.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Pickett of Keene spoke against the motion.

(discussion ensued)

Mr. Hunter of Hampton spoke in favor of the motion.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the motion.

(Speaker in the Chair)

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

The question being, Shall the main question now be put?

On a *viva voce* vote the motion was adopted.

The question now being on the motion to indefinitely postpone House Bill No. 87.

Mrs. Brungot of Berlin demanded the Yeas and Nays.

The roll having been called and 230 members having voted in the affirmative and 137 members having voted in the negative the motion to indefinitely postpone prevailed.

Yeas, 230

COOS COUNTY: Fortier, Desilets, Sheridan, Christiansen, Bouchard, Emerson, Crockett, Graham of Gorham, Kimball of Jefferson, Bragg, Swett, Potter, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Batchelder, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard, Jenkins, LaBranche, Carter, Palmer of Plaistow, Murch, Wardwell, Blaisdell, Peever, Willis, Felch, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Leighton, Wiggin of Dover, DesJardins, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Bevan, Chase of Durham, Littlehale, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, LaCasse of Rochester, Johnson of Rochester, Clement of Rochester, Boisvert of Rollinsford, Maloomian, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson, Lord, Snow, Hart of Laconia, LaCaillade, Ayre of Laconia, Karagi-

anis, Prescott of Laconia, Burbank, Varrell, Pickering of Meredith, Smith of Meredith, Atwood.

CARROLL COUNTY: Downs, Nickerson of Madison, Diefenderfer, Nickerson of Tamworth, Hodgdon.

MERRIMACK COUNTY: Phelps, Moore, Davis of Concord, Henry, Hancock, Woodman, Lessels, Robinson of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Rufo, Carr, Gilman of Franklin, Charland, Leonard, Mulaire, London, Burleigh, Ayer of Pittsfield, Hunt, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Wiggin of Bedford, Herrick, Hambleton, Poor, Taft, Crosby, Goodwin, Legallee, Ainley, Green, Lang, Pettigrew, Pillsbury, Hart of Manchester, Sullivan, Cullity, Nolan, Betley, Manning, Walsh, LeClerc, Champagne, Delisle, Morris, Bergeron, Kearns, Hurley, LaFond of Manchester, Levasseur, Martel of Manchester, Ward 12; Nalette, Daniel, Gauthier, Peaslee of Merrimack, Deans, Hayward of Milford, Cooper, Saunders, Underhill, Thibault of Nashua, Brosnahan, Griffin of Nashua, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Ryan, Bouley, Grandmaison, Latour, Sabliski, Locke, Thompson of New Ipswich, Dutton, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Gowing, Pike, Turner, Stearns, McCullough, Wheeler, Bennett, Brown of Keene, Faulkner, Miskelly, Oliver, Forbes, Allen, Hackler, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Russell, Angus, Nahil, Phillips, Davis of Cornish, Marx, Wirkkala, Downing, Rowell, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Gilbert, Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Larty, McMeekin, Clement of Landaff, Coutermarsh, Porter, Whipple, Armstrong of Littleton, Burrill, Birch, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Barney.

Nays, 137

COOS COUNTY: Perrault, Brungot, Gagnon, LaCasse of Berlin, Marsh, Oakes, Bushey, Styles, Converse, Emery, Baker, Stinson.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Bisbee, Clark, Gay of Derry, Kimball of Derry, Jones, Palmer of Kensington, Sheehy, Twardus, Cheney, Pinkham, Dondero, Keefe, Foote, Wood, Dame, White of Portsmouth, Ward 5; Carkin, Cross, Langford, Gordon of Sandown, Robinson of South Hampton.

STRAFFORD COUNTY: Grimes, Drew, Gilman of Farmington, Watson, St. Pierre, Varney, Habel, Cormier.

BELKNAP COUNTY: Harkins, Normandin, O'Shan, MacIsaac, Urie, Howe.

CARROLL COUNTY: Chandler, Hill, Roberts, Stokes, Blanchard, Duchano, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, Hanson, Bates, LaFlamme, Dowd, O'Neil of Concord, Maxham, Boomhower, Thompson of Franklin, Carpenter, Perry, Plourde, Thibeault of Pembroke, McGrath.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Aucella, Farwell, Vadney, Branch, Nickerson of Goffstown, Daneault, Gallagher, Gamache, Danforth, Goode, Martel of Manchester, Ward 3; Tobin, Burke, Healy of Manchester, Ward 5; Armstrong of Manchester, Casey, Clancy, O'Connor, LaFrance, Tessier, Compagna, Lavoie, Pelissier, Belanger, King, Noel, Matson, DeGrace, Dion of Manchester, Rousseau, Christy, Crowley, Vachon, Falconer, Cole, Salvail, Belcourt, Trombly, Chartrain, Bissonette, Bouthillier, Hodgman, Rice.

CHESHIRE COUNTY: Gordon of Jaffrey, Keating, Terrill, Kretowicz, Pickett, Bouvier.

SULLIVAN COUNTY: Burrows, D'Amante, Desnoyer, Brown of Newport, Spalding, Philbrick of Springfield.

GRAFTON COUNTY: Eastman of Ashland, Beard, Guay of Lebanon, McGee, Collyer, Kelley, Bradley of Thornton, Breck, Davis of Woodstock.

Mrs. Brown of Sandwich voting Yes, paired with Mr. Lafond of Hooksett voting No.

Mr. Haley of Keene voting Yes, paired with Mr. Ecker of Manchester voting No.

Mr. Boisvert of Nashua voting Yes, paired with Mr. LeBlanc of Manchester voting No.

Mrs. Cary of Manchester voting Yes, paired with Mr. Healey of Manchester, Ward 6, voting No.

Mrs. Neale of Hanover voting Yes, paired with Mr. Gingras of Nashua voting No.

Mr. Stevenson of Bethlehem voting Yes, paired with Mr. Edson of Lebanon voting No.

Mr. Malley of Somersworth, for the Committee on Ways and Means to whom was referred House Bill No. 122, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Kearns of Manchester moved that House Bill No. 122 be indefinitely postponed.

On a *viva voce* vote the motion was adopted.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of highways, roads and streets.

Senate Bill No. 64, An Act relative to elected special police officers.

Introduction of Senate Bills

The following Senate Bills were severally introduced, laid upon the table and referred as follows:

Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of the highways, roads and streets, to the Committee on Public Works.

Senate Bill No. 64, An Act relative to elected special police officers, to the committee on Municipal and County Government.

Senate Message

A further Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 149, An Act in relation to extension courses at the teachers colleges.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees.

House Bill No. 114, An Act relative to the definition of Fly under fishing laws.

House Bill No. 116, An Act relative to the misuse of deer coupons.

House Bill No. 118, An Act relative to the prohibited use of artificial lights in night hunting.

House Bill No. 149, An Act in relation to extension courses at the teachers' colleges.

Senate Bill No. 41, An Act relative to permission to towns to appropriate money for payment of association dues.

Senate Bill No. 86, An Act relative to Stratford school district.

Communications

Office of
THE SECRETARY OF STATE
Washington

March 16, 1959

DEAR MR. LAMPREY:

Secretary Dulles has asked me to express his appreciation to the members of the House of Representatives of the State of New Hampshire for the sentiments expressed in their Resolution of February 25, 1959. The Secretary is deeply grateful to the Representatives for the birthday message and good wishes for his recovery.

Sincerely yours,

D. E. BOSTER
Staff Assistant

Mr. Gove of Concord moved that the order whereby House Bill No. 309, An Act relating to the use of facsimile signatures in the drawing of checks by the treasurers of school districts, was referred to the Committee on Education be vacated and

the bill be referred to the Committee on Judiciary and spoke for the motion.

On a *viva voce* vote the motion was adopted.

Resolutions

Mr. Maloomian of Somersworth and Mr. Hancock of Concord offered the following resolutions.

Whereas, the act of Congress admitting Hawaii to the Union has been signed by the President of the United States, and

Whereas, Hawaii is now a full fledged state after many years under our government, therefore be it

Resolved, That we, the members of the House of Representatives of New Hampshire in General Court convened, do hereby proffer our congratulations to Hawaii on her statehood and our best wishes for a prosperous future, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to the Governor of Hawaii.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Mulaire of Hooksett offered the following resolutions:

Whereas, Mrs. Corrine Lafond, wife of Alphone H. Lafond, Representative from Hooksett, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, express our deep sympathy to our fellow member in his bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Lafond a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mr. Pickett the rules of the House were so far suspended as to permit third reading of bills by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following Senate Bills were severally read a third time, passed and sent to the Secretary of State to be engrossed:

Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or aircraft.

Senate Bill No. 47, An Act relative to annual payments to retirement board by call, volunteer or substitute firemen.

Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws.

House Bill No. 115, An Act relative to reciprocal fishing rights in the Connecticut River, was read a third time, passed and sent to the Senate for concurrence.

On motion of Mrs. Ainley of Manchester the House adjourned at 3:20 o'clock.

WEDNESDAY, MARCH 25, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal God, on this Wednesday in Holy Week, we are particularly inspired by the Giant of Galilee.

We recall his courage in entering Jerusalem to fulfill his goals of righteousness by confronting the vested interests of the capital city;

the fellowship of Jesus and the disciples as they broke bread together in an Upper Room;

the rejection of the Nazarene by men, his enemies who condemned him, his followers who fled from him;

finally, we are mindful that it was made known to all on Easter morning that Jesus was one with that Force of love and Goodness, our God.

May the spirit that was in Jesus be in us also, enabling us to know the Truth, to do the will of God, and to abide in His peace. Amen.

Salute to the Flag

Mrs. Christiansen of Berlin led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Thompson of Franklin was granted leave of absence for the day to attend a funeral.

Mrs. Ayre of Laconia was granted leave of absence for today and tomorrow on account of important business.

Introduction of Bills

The following House Bills were severally read a first and second time, laid on the table for printing, and referred as follows:

By Mr. Belanger of Manchester, House Bill No. 378, An Act relative to sale of state property. To the Committee on Public Works.

By Mr. Bennett of Keene, House Bill No. 379, An Act relative to committee assignments for certain members of the House of Representatives. To the Committee on Judiciary.

By Mr. Belanger of Manchester, House Bill No. 380, An Act relative to dealers in used motor vehicles. To the Committee on Transportation.

By Mr. Pickett of Keene, House Bill No. 381, An Act relative to airways toll. To the Committee on Aviation.

By Mr. Claflin of Wolfeboro, House Bill No. 382, An Act providing for admission of records of hospitals in actions at law or suits in equity. To the Committee on Judiciary.

By Mr. Claflin of Wolfeboro, House Bill No. 383, An Act to provide for admissibility of written statements obtained from persons sustaining personal injuries. To the Committee on Judiciary.

By Mr. Claflin of Wolfeboro, House Bill No. 384, An Act to provide for the admission of learned treatises in malpractice actions. To the Committee on Judiciary.

By Mr. Nickerson of Goffstown, House Bill No. 385, An Act regulating the Goffstown police department. To the Committee on Municipal and County Government.

By Mr. Mulaire of Hooksett, House Bill No. 386, An Act relative to hospital licensing and hospital survey and constructions. To the Committee on Public Health.

By Mr. Belanger of Manchester, House Bill No. 387, An Act relative to motor vehicle license plates issued to members

of the General Court. To the Committee on Executive Departments and Administration.

Reports of Standing Committees

Mr. Davis of Cornish, for the Committee on Agriculture, to whom was referred House Joint Resolution No. 17, Joint resolution relative to control of the Dutch elm disease, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the bill was referred to the Committee on Appropriations under the rules.

Mr. Davis of Cornish, for the Committee on Agriculture, to whom was referred House Bill No. 164, An Act relative to milk standards, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section to read as follows:

2 *Terms Defined.* Amend RSA 184:36 by adding at the end thereof the following new paragraphs:

IX. The term "non-fat," "fat-free," "defatted milk" means skimmed or skim milk which contains not more than one tenth of one per cent of milk fat.

X. The term "nonfat dry milk solids" means nonfat milk from which at least ninety-five per cent of the water has been removed.

XI. The term "fortified nonfat milk" means nonfat milk, fat-free milk or defatted milk to which has been added not more than three per cent of nonfat dry milk solids.

XII. The term "half and half" means that product resulting from the blending of cream and milk or the physical removal of fat from milk so that the final mixture shall contain not less than eleven and one-half per cent of milk fat.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

3 *Marking.* Amend RSA 184:38 by inserting after the word "milk" in the first line the words, skimmed milk, skim milk, nonfat milk, fat-free milk, defatted milk or fortified nonfat milk, by striking out the words "milk from which the cream

or any part thereof has been removed" in the third and fourth lines and inserting in place thereof the words, skimmed milk, skim milk, nonfat milk, fat-free milk, defatted milk or fortified nonfat milk, and by striking out the words "not less than one inch high" in the seventh line, and inserting in place thereof the words, of such size as compared with all other words upon said container as to render it likely to be read and understood under customary conditions of purchase and use so that said section as amended shall read as follows: 184:38 *Skimmed Milk*. No dealer in milk, skimmed milk, skim milk, nonfat milk, fat-free milk, defatted milk or fortified nonfat milk, and no servant or agent of a dealer, shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange or deliver, skimmed milk, skim milk, nonfat milk, fat-free milk, defatted milk or fortified nonfat milk unless in a conspicuous place above the center upon the outside of each vessel, can or package from or in which such milk is sold the words, "skim milk," "skimmed milk," "nonfat milk," "fat-free milk," "defatted milk" or "fortified nonfat milk," are distinctly marked in such letters of such size compared with all other words upon said container as to render it likely to be read and understood under the customary conditions of purchase and use.

Further amend said bill by inserting after section 3 the following new section to read as follows:

4 *Containers*. Amend RSA 184 by inserting after section 184:38 the following new section to read as follows: 184:38-a *Labeling*. Upon the outside of each vessel, can or package from or in which the product, half and half is sold the words "half and half" shall be distinctly marked in such letters of such size compared with all other words upon said container so as to render it likely to be read and identified under the customary conditions of purchase and use.

5 *Skimmed Milk, Etc.* Amend RSA 184:39 by striking out said section and inserting in place thereof the following: 184:39 *Penalty*. Whoever sells, offers for sale, or has in his possession with intent to sell, any milk, skimmed milk, butter milk, butter or renovated butter, sweet cream butter, cream, heavy cream, and homogenized cream, nonfat milk, nonfat dry milk solids, fortified nonfat milk or half and half which fails to conform to the requirements of the four preceding sections, or otherwise violates any provisions of this sub-division, shall

be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not more than sixty days, or both.

Further amend said bill by renumbering sections 3, 4, and 5 to read 6, 7, and 8 respectively.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

At the request of Mr. Bradley of Hanover, Mr. Bell of Plymouth explained the resolution.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the resolution.

(discussion ensued)

Mr. Rowell of Newport spoke in favor of the resolution.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Bisbee of Derry, for the Committee on Fish and Game, to whom was referred House Bill No. 161, An Act relative to bow and arrow hunting for deer on islands, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Bow and Arrow Hunting for Deer.* Amend RSA 208:2 (Supp) as amended by 1955, 264:1 by adding at the end of said section the words, provided, however, that deer may be taken during the open season by the use of bow and arrow only on islands located on Lake Winnepesaukee, except Governors Island and Big Bear Island, so that said section as amended shall read as follows: 208:2 *Taking, Time.* Wild deer, out-

side game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset, in the counties of Grafton, Coos and Carroll from November first to November thirtieth, and in all other counties in the state from December first to December twenty-first, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds, provided, however, that deer may be taken during the open season by the use of bow and arrow only on islands located on Lake Winnepesaukee, except Governors Island and Big Bear Island.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Gowing of Dublin, for the Committee on Municipal and County Government, to whom was referred House Bill No. 244, An Act relating to borrowing by counties, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Barker of Stratham, for the Committee on Municipal and County Government, to whom was referred House Bill No. 248, An Act relative to the police in the town of Sunapee, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Leonard of Franklin, for the Committee on Municipal and County Government to whom was referred House Bill No. 344, An Act legalizing the annual town meeting held in the town of Brentwood, March 10, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Goodwin of Hollis, for the Committee on Public Health to whom was referred Senate Bill No. 7, An Act relative to use of fees and fines by the state dental board, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 158, An Act relative to authority of the water resources board to aid in carrying out projects for water-shed protection, having considered the same, reported the same with the recommendation that the bill ought to pass.

The bill was referred to the Appropriations Committee under the rules.

Reconsideration

Mr. Junkins of Hampton moved that the House reconsider its vote whereby it ordered Senate Bill No. 7 to a third reading and spoke in favor of the motion.

Mrs. Goodwin of Hollis explained the bill.

Mr. Junkins of Hampton withdrew his motion for reconsideration of Senate Bill No. 7.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket river watershed, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 175, An Act to provide for a study of public access to the public lakes and ponds of the state over ten acres in extent, having considered the same, reported the same with the recommendation that the bill ought to pass.

The bill was referred to the Appropriations Committee under the rules.

Senate Message

The Senate Message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 8, An Act relative to public meetings and records.

Senate Bill No. 39, An Act relating to the banking department.

Senate Bill No. 78, An Act relative to certain refunds from the state treasury.

The following Senate bills were severally introduced, read a first and second time, and referred as follows:

Senate Bill No. 8, An Act relative to public meetings and records, to the Joint Committee on Judiciary and Municipal and County Government.

Senate Bill No. 39, An Act relating to the banking department, to the Committee on Banks.

Senate Bill No. 78, An Act relative to certain refunds from the state treasury, to the Committee on Executive Departments and Administration.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 38, An Act relating to the jurisdiction of juvenile courts.

House Bill No. 310, An Act relative to increase of benefit rates, disqualifications for benefits and reciprocal arrangements under the unemployment compensation law.

House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 310, An Act relative to increase of benefit rates, disqualifications for benefits and reciprocal arrangements under the unemployment compensation law.

The Chair announced that today is the birthday of Mr. Cushman of Orford.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills and House joint resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 164, An Act relative to milk standards.

House Bill No. 161, An Act relative to bow and arrow hunting for deer on islands.

House Bill No. 244, An Act relating to borrowing by counties.

House Bill No. 344, An Act legalizing the annual town meeting held in the town of Brentwood, March 10, 1959.

House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket River watershed.

House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways.

Senate Bill No. 7, An Act relative to use of fees and fines by the state dental board, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Cary of Manchester the House adjourned at 12:17 o'clock.

THURSDAY MARCH 26, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by guest chaplain, Reverend Eric W. Bascom, Jr., of the Laconia Congregational Church.

Most blessed God, Whom we know as Father, Spirit, Son. Thou hast folded back the mantle of the night, and brought us again to work and prayer.

On this Holy Thursday, we remember all Thou didst endure for us; we may be sure that Thou hast not forgotten our need, for we will not let Thee forget.

We confess our sins, being reminded that every sin of ours renews the pain Thy heart did know.

We confess our wilful waywardness, being certain that every time we ignore Thee, forget Thee, and detour ourselves from Thy perfect way, we revive for Thee the loneliness Thou

didst feel upon the Cross, and the spiritual blindness of all our human company which once did break Thy heart.

O Lord, give us Thy grace that we may not crucify Thee afresh, but, loving Thee, keep Thy commandments. Assure us of Thy mercy and forgiveness, that we may forget past failures and move ever onward to fulfill Thy purpose. With steady faith that Thy kingdom will yet be established upon the earth, help us to hasten its coming by letting Thee work inside us and around us, and through us to do Thy will. Amen.

Salute to the Flag

Mr. Prescott of Laconia led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced a group of the Senior Class of Sanborn Seminary under the direction of their teacher, Joseph Testor.

Leaves of Absence

Mr. Charland of Franklin was granted leave of absence for the day on account of illness.

Mr. Chamberlain of Holderness was granted indefinite leave of absence on account of illness in the family.

Mr. Peever of Salem was granted leave of absence for the day on account of important business.

Mr. Lavoie of Manchester, Ward 8, was granted indefinite leave of absence because of important business.

Introduction of Bills

By Mr. Gilman of Farmington, House Bill No. 388, An Act legalizing the school district meeting held in Farmington on March 18, 1959, was introduced, read a first and second time, laid on the table for printing and referred to the Committee on Municipal and County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 388 and spoke for the motion.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

By Committee on Rules (Miss Collyer of Lisbon), House Joint Resolution No. 41, Joint Resolution in favor of Walter R.

MacCormack, was introduced, read a first and second time, laid on the table for printing and referred to the Committee on Claims.

Miss Collyer of Lisbon moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 41.

The Clerk read the House Joint Resolution in full.

On a *viva voce* vote the motion was adopted.

Committee Reports

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 202, An Act relative to the definition of average final compensation in the New Hampshire teachers' retirement system, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "retail price delivered at the port of entry" in the fourth line and inserting in place thereof the words, port of entry list price, so that said section as amended shall read as follows:

1 *Registration.* Amend RSA 260 by inserting after section 27 the following new section: 260:27-a *Foreign Cars.* The Phrase "Maker's list price" as used in section 27, in the case of motor vehicles of foreign manufacture, shall mean port of entry list price, New York, regardless of the actual port through which said motor vehicles entered the country.

Amend section 2 of the bill by striking out the figures "1959" and inserting in place thereof the figures, 1960, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect as of April 1, 1960.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Marx of Langdon explained the bill.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Taft of Greenville, for the Committee on Claims to whom was referred House Joint Resolution No. 12, A Joint Resolution in favor of Arthur E. Starkweather, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 238, An Act authorizing the director of purchase and property to purchase in advance of requisition, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Junkins of Hampton, for the Committee on Judiciary to whom was referred House Bill No. 21, An Act relative to witnesses before legislative committees, having considered the same, reported the same with the following Resolution.

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Green of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 51, An Act relative to wholesaler's permits for sale of liquor and beverages, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Wholesaler's Permits*. Amend RSA 181:9-a (supp) as inserted by 1957, 28:2 by striking out all after the word "renewal" in the seventh line and inserting in place thereof the words, of wholesale permits which were in existence on March 15, 1957 by the holders thereof; nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of interstate succession or, in the case of a will, those who acquired their interest under

said will provided that such legatees are also heirs-at-law or spouse of the deceased, so that said section as amended shall read as follows: 181:9-a — *Restrictions on Holding of*. No person shall through stock ownership, interlocking stock membership, interlocking directors, or otherwise, have an interest or control, either direct or indirect, in the business of the holder of a wholesaler's permit unless he has been a resident of the state for three consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits which were in existence on March 15, 1957 by the holders thereof; nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under said will provided that such legatees are also heirs-at-law or spouse of the deceased.

Amend section 2 of the bill by striking out the same and inserting in place the following:

2 *Takes Effect*. This act shall take effect sixty days after its passage.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Green of Manchester explained the bill.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 25, An Act to make unlawful certain political activity in the vicinity of polling places, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Mr. Daniels of Manchester moved that Senate Bill No. 25 be made a Special Order for next Wednesday morning at 11:01 o'clock.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke in opposition to the motion.

On a *viva voce* vote the motion was not adopted.

Mr. Daniels of Manchester then moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Junkins of Hampton spoke in favor of the motion.

(discussion ensued)

Mr. Deans of Milford spoke against the motion.

(discussion ensued)

Mr. Martel of Manchester, Ward 3, spoke in favor of the motion.

Mr. Pickett of Keene moved that Senate Bill No. 25 be recommitted to the Committee on Judiciary and spoke in favor of the motion.

Mrs. Brungot of Berlin and Messrs. Crosby of Hillsborough and Lacasse of Berlin spoke against the motion.

Mr. Coutermarsh of Lebanon and Mrs. Dondero of Portsmouth spoke in favor of the motion.

(discussion ensued)

Messrs. Sheridan of Berlin and Terrill of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Willey of Campton spoke in favor of the motion.

(discussion ensued)

Mrs. Frizzell of Charlestown and Messrs. Healey of Manchester, Ward 6 and Mr. Crosby of Hillsborough spoke against the motion.

Messrs. Hart of Laconia and Junkins of Hampton spoke in favor of the motion.

(discussion ensued)

Mrs. DeLude of Unity spoke in favor of the motion.

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being, Shall Senate Bill No. 25 be re-committed to the Committee on Judiciary.

On a *viva voce* vote the motion prevailed.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph II of RSA 148:25 as inserted by section 1 of the bill by inserting after the word "new" in the second line the word, public, so that said paragraph as amended shall read as follows:

II. *Sewage Disposal Systems, Construction.* Any person proposing to install new public sewerage or sewage treatment facilities, or to extend, renovate, replace or repair any such existing facilities, shall submit, at least thirty days in advance of construction, detailed plans and specifications therefore to the state board and secure its approval thereof. The foregoing provisions shall also be applicable to any institution, accommodating thirty or more people, which provided its own facilities as to sewage disposal.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment to the bill.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Stinson of Stratford, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 143, An Act providing for the classification of certain surface waters of the Connecticut River watershed, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Chamberlain of Wolfeboro, for the Committee on Transportation, to whom was referred House Bill No. 232, An Act relative to temporary certificates for operation of motor vehicles in certain cases, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words

“sixty days after” and inserting in place thereof the word, upon, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 65, An Act relative to advertising by motels, cabins and motor courts.

Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment.

Introduction of Senate Bills

The following Senate Bills were severally read a first time, laid upon the table, and referred as follows:

Senate Bill No. 65, An Act relative to advertising by motels, cabins and motor courts, to the Committee on Executive Departments and Administration.

Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment, to the Committee on Judiciary.

A further Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 121, An Act increasing certain penalties for violations of fish and game laws.

House Bill No. 136, An Act relative to injuring property while taking fish and game.

House Bill No. 170, An Act relative to the destruction of records by the bureau of food and chemistry.

Resolutions

Mr. Martel of Manchester, Ward 3, offered the following resolution:

Whereas, Good Friday occurring March 27, 1959, and

Whereas, being publicly mindful and fully appreciative on this eventful anniversary, now

Therefore, we, the members of the House of Representatives, do and hereby resolve to observe at the present moment, a one-minute period of silent meditation to commemorate the sufferings and the death on the Cross, of the Son of the Living God, Our Lord and Saviour Jesus Christ, for the salvation of mankind.

On a rising vote of one minute of silent prayer the resolution was unanimously adopted.

Mr. Hanson of Bow offered the following resolutions:

Whereas, Mrs. Rebecca F. Henry, mother of Representative Arthur F. Henry of Concord, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, extend to our Fellow Member our deep sympathy in his bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Henry a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

The Rules Committee for Mr. McMeekin of Haverhill offered the following concurrent resolution:

Inviting National Commander of the American Legion, Preston J. Moore, to address the Legislature.

Whereas, Preston J. Moore of Oklahoma, National Commander of the American Legion, will make an official visitation to the Legionnaires of New Hampshire on Thursday, April 16, 1959, therefore be it

Resolved by the House of Representatives, the Senate concurring, That National Commander Moore be invited to address the House and Senate in joint convention on that date.

On a *viva voce* vote the concurrent resolution was adopted.

The Chair announced that today is the birthday of Mr. Kelley of Littleton.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3.00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and House Joint Reso-

lutions by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolutions were severally read a third time, passed and sent to the Senate for concurrence.

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

House Bill No. 51, An Act relative to wholesaler's permits for sale of liquor and beverages.

House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems.

House Bill No. 143, An Act providing for the classification of certain surface waters of the Connecticut River watershed.

House Bill No. 232, An Act relative to temporary certificates for operation of motor vehicles in certain cases.

House Bill No. 238, An Act authorizing the Director of Purchase and Property to purchase in advance of requisition.

House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather.

On motion of Mrs. Cole of Nashua the House adjourned at 1:00 o'clock.

TUESDAY, MARCH 31, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, may the din of the world never be so great that it will hide from us the sound of a baby's cry. May life never move so fast that we do not have time to watch a crocus spring to blossom. May the immensity of our own concerns never be so preoccupying that we cease to feel a sense of wonder in searching the star-filled heavens.

Ignite us with sensitivity. Slow us down that we may live deeply and fully. Make us far-sighted that we may know that we are children of the sun and brothers of the most despised and rejected of men. Amen.

Salute to the Flag

Mr. DeGrace of Manchester led the Convention in the Pledge of Allegiance to the Flag.

The Chair introduced Sharon Maynard from Concord and Gerry Lord of Manchester as President of the Senate and Speaker of the House respectively of Youth Government.

House

Introduction of Guests

The Chair introduced two classes of Seniors and Juniors from the Villa Augustina Academy of Goffstown, under the direction of Sister St. Wilfrid, Order of Jesus Mary.

The Chair also introduced a group of Seniors from Exeter High School accompanied by James A. Pirnie, Instructor.

Leaves of Absence

Messrs. Duchano of Wakefield and Pinkham of Northwood were granted leave of absence for the day on account of important business.

Mrs. Blanchette of Dover was granted leave of absence for the week on account of illness.

Mrs. Davis of Woodstock was granted leave of absence for the day on account of a death in the family.

Report of Standing Committees

Mr. Bragdon of Amherst, for the Committee on Agriculture to whom was referred House Bill No. 279, An Act relative to purchase and selling of live poultry, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 257, An Act increasing examination fees for the practice of accountancy, having considered the same, reported

the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the third and sixth lines the word "fifty" and inserting in place thereof the word, thirty-five; and by striking out in the fourth and tenth lines the word "twenty-five" and inserting in place thereof the word, twenty, so that said section as amended shall read as follows:

1 *Examination Fee for Accountants.* Amend RSA 309:7 by striking out the words "twenty-five" in the second line and inserting in place thereof the word, thirty-five, and by striking out the word "ten" in the sixth line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: 309:7 *Fees.* The board shall charge for the examinations provided for herein the fee of thirty-five dollars. This fee shall be payable by the applicant at the time of making application. In case the application is rejected, the fee shall be refunded. Should the applicant fail to pass the required examination, re-examination or subsequent examinations shall be given for an additional fee of twenty dollars for each examination. No additional fee shall be charged for the certificate of a successful applicant.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 264, An Act relative to emergency borrowing by the state treasurer, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Emery of Stark, for the Committee on Fish and Game, to whom was referred House Bill No. 220, An Act providing for open season for taking fisher, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bisbee of Derry, for the Committee on Fish and Game, to whom was referred House Bill No. 221, An Act reducing the

bounty on bobcat and lynx, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Clafin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 223, An Act to prohibit the use of carbon tetrachloride in fire extinguishers, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Pillsbury of Manchester, Mr. Clafin of Wolfeboro explained the bill.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Colbath of Dover, for the Committee on Public Works, to whom was referred House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section:

2 *Transfer of Funds*. The sum that has been apportioned by the state for the construction of the above named road as a secondary highway together with the amount contributed by the town shall be transferred to the town road aid account for the town of Lempster and made available for expenditure on the highway and expended under the supervision of the commissioner of public works and highways.

Further amend the bill by renumbering section 2 to read section 3.

The Clerk read the amendment in full.

Mr. Galloway of Walpole explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. McGrath of Pittsfield, for the Committee on Public Works, to whom was referred Senate Bill No. 54, An Act au-

thorizing rehabilitation work in redevelopment projects, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 205:12 as inserted by section 1 of the bill by inserting after the word "persons" in the second line the words, including families, business concerns and others, so that said section as amended shall read as follows:

205:12 *Relocation Payments.* A housing authority is authorized to make plans for relocation of and to make payment to persons, including families, business concerns and others, displaced by a redevelopment project, for moving expenses and loss of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government, provided that any amount set aside for any such payments not financed by the federal government shall be approved by the governing body of the municipality.

The Clerk read the amendment in full.

Mr. Newell of Concord explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Dame of Portsmouth, for the Committee on Public Works to whom was referred Senate Bill No. 55. An Act relative to redevelopment of so-called disaster areas, and for general planning activities, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Newell of Concord explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 190, An Act relative to reimbursement to town for loss of tax on forest reserve lands, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Sanborn of Hampton Falls, for the Special Committee consisting of the members from the Rockingham County Delegation to whom was referred House Bill No. 146, An Act designating the house of correction in Rockingham county as a jail, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Kearns of Manchester, for the Committee on Ways and Means to whom was referred House Bill No. 157, An Act relative to pari-mutuel pools at race meets, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means to whom was referred House Bill No. 157, An Act relative to pari-mutuel pools at race meets, having considered the same, and being unable to agree with the majority reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "sixteen" in the third and eighth lines and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

1 *Pari-Mutuel Pools.* Amend paragraph I of RSA 284:22 (supp) as amended by 1955, 74:1 and 1957, 122:1, by striking out the word "fourteen" in the third line and inserting in place thereof the word, fifteen, and by striking out the word "seven" in the ninth line and inserting in place thereof the word, eight, so that said paragraph as amended shall read as follows:

I. Commissions on such pools at tracks or race meets conducting a running horse race or running horse meet shall be uniform throughout the state at the rate of fifteen per cent of each dollar wagered plus the odd cents of all redistribution to be based upon each dollar wagered, exceeding a sum equal to the next lowest multiple of ten known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2.

Said maximum shall include the eight per cent tax hereinafter prescribed.

ALBERT N. DION of Manchester,
WALTER P. KRETOWICZ of Keene,
ANNE B. GORDON of Jaffrey,
OSCAR C. PRESCOTT of Laconia,
JAMES B. MISKELLEY of Keene,
FERNE PRESCOTT of Brentwood.

The reports were accepted.

The Clerk read the amendment of the minority committee in full.

Mr. Dion of Manchester moved that the report of the minority committee "Ought to pass with amendment" be substituted for the majority report "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Kearns of Manchester moved that House Bill No. 157 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Bradley of Hanover moved that House Bill No. 157 be recommitted to the committee on Ways and Means and spoke in favor of the motion.

(discussion ensued)

Mr. Chandler of Bartlett spoke in favor of the motion.

(discussion ensued)

Mr. Miskelley of Keene spoke in favor of the motion.

(Mr. Gilman of Farmington in the Chair)

Messrs. Guay of Lebanon and Nickerson of Goffstown spoke in favor of the motion.

Mr. Plumer of Bristol spoke against the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth and Messrs. Kimball of Manchester, McMeekin of Haverhill and Casey of Manchester spoke against the motion.

(discussion ensued)

Mr. Grimes of Dover spoke in favor of the motion.

(Speaker in the Chair)

(discussion ensued)

Messrs. Murch of Portsmouth and Angus of Claremont spoke against the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

The question being, shall the main question now be put. On a *viva voce* vote the motion prevailed.

The question now being shall House Bill No. 157 be re-committed to the Committee on Ways and Means.

On a *viva voce* vote the motion did not prevail.

The question now being, shall House Bill No. 157 be indefinitely postponed.

Mr. Grimes of Dover demanded the Yeas and Nays.

Yeas, 308

STRAFFORD. COUNTY: Berry, Desjardins, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Bevan, Chase of Durham, Gilman of Farmington, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, Watson, LaCasse of Rochester, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson, Lord, Snow, Hart of Laconia, LaCaillade, Harkins, Normandin, Ayre of Laconia, Karagianis, Prescott of Laconia, Burbank, O'Shan, MacIsaac, Varrell, Pickering of Meredith, Smith of Meredith, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Hodgdon.

MERRIMACK COUNTY: Phelps, Flynn, Hanson, Moore, Bates, Dowd, Davis of Concord, Henry, Hancock, Woodman, Robinson of Concord, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Rufo, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Carpenter, LaFond of Hooksett, Mulaire, Perry, London, Burleigh, Thibeault of Pembroke, Ayer of Pittsfield, Hunt, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Farwell, Herrick, Vadney, Poor, Taft, Crosby, Goodwin, Gallagher, Gamache, Legallee, Ainley, Green, Lang, Pet-

tigrew, Danforth, Goode, Kimball of Manchester, Pillsbury, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5; Manning, Walsh, Casey, Clancy, Ecker, Healy of Manchester, Ward 6; LaFrance, LeClerc, Champagne, Delisle, Pellissier, Cary, Morris, Belanger, Bergeron, Kearns, King, Hurley, LaFond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12; Nalette, Daniel, Gauthier, Vachon, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cooper, Saunders, Salvail, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Sablusi, Bouthillier, Thompson of New Ipswich, Hodgman, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Gowing, Turner, Stearns, Spofford, Haley, Terrill, McCullough, Wheeler, Bennett, Brown of Keene, Faulkner, Forbes, Allen, Bouvier, Hackler, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Russell, Angus, Nahil, Phillips, Burrows, D'Amante, Desnoyer, Davis of Cornish, Marx, Wirkkala, Bailey, Brown of Newport, Downing, Rowell, Spalding, Philbrick of Springfield, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Plumer, Willey, Sanborn of Enfield, Hayward of Hanover, Monahan, Larty, McMeekin, Clement of Landaff, Beard, Coutermarsh, Porter, Whipple, McGee, Armstrong of Littleton, Burrill, Kelley, Birch, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Sheridan, Christiansen, Bouchard, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Kimball of Jefferson, Bragg, Swett, Potter, Bushey, Styles, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Persson, Spollett of Chester, Clark, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Jones, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard,

Sheehy, LaBranche, Twardus, Cheney, Carter, Palmer of Plaistow, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4; Ingraham, Car-kin, Cross, Langford, Peever, Roulston, Willis, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

Nays, 56

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Grimes, Littlehale, Drew, St. Pierre, Maloomian, Habel, Vincent, Malley.

BELKNAP COUNTY: Urie.

CARROLL COUNTY: Roberts, Stokes, Nickerson of Tamworth, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, LaFlamme, Lessels, Maxham, Leonard, McGrath.

HILLSBOROUGH COUNTY: Edwards, Branch, Hambleton, Nickerson of Goffstown, Armstrong of Manchester, O'Connor, Tessier, Maston, Dion of Manchester, Rousseau, Crowley, Cole, Pappagianis, Locke, Eastman of Weare.

CHESHIRE COUNTY: Pike, Gordon of Jaffrey, Keating, Miskelly, Kretowicz, Oliver.

SULLIVAN COUNTY: None.

GRAFTON COUNTY: Graham of Canaan, Bradley of Hanover, Guay of Lebanon, Collyer.

COOS COUNTY: Brungot, Gagnon, Lacasse of Berlin.

ROCKINGHAM COUNTY: Prescott of Brentwood, Batchelder, Bisbee, Kimball of Derry, Palmer of Kensington, Jenkins.

And 308 members having voted in the affirmative and 56 members having voted in the negative the motion to indefinitely postpone prevailed.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend paragraph III of RSA 270:5 as amended by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. *Private Boats; Outboard Motors.* There shall be paid to the commission for each registration for privately operated outboard motors a fee as follows: For outboard motors up to and including the manufacturer's rated capacity of five horsepower, three dollars; for motors with the manufacturer's rated capacity of five and one-tenth horsepower to thirteen and nine-tenths horsepower, four dollars; for motors with the manufacturer's rated capacity of fourteen horsepower and over, five dollars. In the case of boats propelled by more than one outboard motor, the fee prescribed above shall apply to the individual horsepower.

MARCUS E. DIFFENDERFER,

MYRON B. HART,

SCOTT F. EASTMAN,

Conferees on the Part of the House.

JAMES C. CLEVELAND,

CHARLES C. EATON,

Conferees on the Part of the Senate.

At the request of Mr. Pillsbury of Manchester, Mr. Diffenderfer of Ossipee explained the report.

On motion of Mr. Diffenderfer of Ossipee the report was accepted.

Senate Message

The Senate message announced that the Senate has passed the following Concurrent Resolution in the passage of which it asks the concurrence of the House of Representatives:

That the Joint Rules of the Senate and House be amended by inserting after Rule 13 the following new Joint Rule:

14. Every Committee of Conference, within six Legislative days after the complete Committee has been named, shall make a report of its decision to the Senate and the House, provided, however, that in case the Committee cannot agree the Committee of Conference shall be discharged and a new Committee appointed.

The Concurrent Resolution was referred to the Committee on Rules.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred House Bill No. 80, An Act relative to the salaries of the justices of the Somersworth municipal court and the municipal court of Goffstown, having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 *Somersworth Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1, 1957, 66:1, 83:1, 108:1, 125:1, 175:1, 209:1, 227:1, 234:1, 243:1 and 1959, 7:1 by striking out the words "In Somersworth, eight hundred dollars" and

On motion of Mr. Shepard of Londonderry the report of the committee was adopted.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

House Bill No. 121, An Act increasing certain penalties for violations of fish and game laws.

House Bill No. 136, An Act relative to injuring property while taking fish and game.

House Bill No. 170, An Act relative to the destruction of records by the bureau of food and chemistry.

House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand.

Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or aircraft.

Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws.

House Bill No. 38, An Act relating to the jurisdiction of juvenile courts.

Senate Bill No. 7, An Act relative to use of fees and fines by the state dental board.

Senate Bill No. 47, An Act relative to annual payments to retirement board by call, volunteer or substitute firemen.

Resolutions

Mrs. Weeks of Greenland for the Rockingham Delegation and Mrs. Dondero of Portsmouth for the Owls offered the following resolutions.

Whereas, we have learned of the honor bestowed upon Mrs. Martha A. Long of Kingston by being named 1959 Mother of the Year from the state of New Hampshire, and

Whereas, Mrs. Long is a popular fellow member, representing her town in this General Court, therefore be it

Resolved, That we, the members of this House of Representatives, do hereby extend to her our heartiest congratulations and our best wishes for a successful trip to New York where she will try for American Mother of the Year, and be it further

Resolved, That a copy of these resolutions be transmitted to Mrs. Long.

On a *viva voce* vote the resolutions were adopted.

Mrs. Brungot and Mrs. Gagnon of Berlin and Mrs. Taylor of Whitefield offered the following resolutions:

Whereas, Oscar H. Gould of Wentworth's Location, husband of Florence M. Gould, former Representative from Wentworth's Location and presently serving as Doorkeeper of the House of Representatives, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby express our deep sympathy to our Doorkeeper and former member in her bereavement, and be it further

Resolved, That the Clerk of the House transmit to Mrs. Gould a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today is the birthday of Mr. Chase of Durham.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of

bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 279, An Act relative to purchase and selling of live poultry.

House Bill No. 257, An Act increasing examination fees for the practice of accountancy.

House Bill No. 264, An Act relative to emergency borrowing by the state treasurer.

House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington.

House Bill No. 190, An Act relative to reimbursement to town for loss of tax on forest reserve lands.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 55, An Act relative to redevelopment of so-called disaster areas, and for general planning activities.

Senate Bill No. 54, An Act authorizing rehabilitation work in redevelopment projects.

On motion of Mrs. Cole of Nashua the House adjourned at 1:33 o'clock.

WEDNESDAY, APRIL 1, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Edwin A. Olson, Congregational Churches of Northfield, Tilton and Sanbornton.

O God our Father, we lift up our hearts to Thee in thanksgiving for the gracious heritage of this portion of the earth which Thou hast granted to be our home. We thank Thee also for the brotherhood of all who share with us in the blessings of these hills and valleys, these streams and forests. Make us worthy of all we have, and we honor Thee in the dignity and integrity of our lives.

O Lord God, we pray now for the assemblage of these men and women, entrusted by their fellowmen with the grave responsibilities of government. Give to them hearts and minds filled with reverence for all that is high and holy. Grant them to have a broad and deep sympathy for the common good of all our people. Deliver them from those failings of our race which arise from a blind and stubborn self-interest. Let them lead us through the maze of our human problems in the way of sound and wholesome living.

O Lord, be with us also, the people of this state, that we may fulfill our responsibilities. Help us to accept and observe the laws which are ours by common consent. Give us greater concern for the problems that beset us and may we support with loyalty and understanding the efforts of these who labor in our behalf.

Through Christ our Lord. Amen.

Salute to the Flag

Mrs. Griffin of Auburn led the Convention in the Salute to the Flag.

The Chair presented the Honorable Senator Norris Cotton to the Joint Convention.

House

Leaves of Absence

Mr. Levasseur of Manchester Ward 12 was granted leave of absence for two weeks on account of important business.

Introduction of Bills

The following House Bills were introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Kelley of Littleton, House Bill No. 389, An Act relative to sessions for correction of check-lists at elections. To the Committee on Judiciary.

By Mrs. Atwood of Sanbornton, House Bill No. 390, An Act relative to taking smelt from Lake Winnepesaukee and Squam Lakes. To the Committee on Fish and Game.

By Mr. Lessels of Concord, House Bill No. 391. An Act relative to real estate belonging to the state. To the Committee on Executive Departments and Administration.

By Mr. Dunnington of Dover, House Bill No. 392, An Act relative to the standards of barbers. To the Committee on Public Health.

By Mr. Malley of Somersworth, House Bill No. 393, An Act relative to operation of state liquor stores. To the Committee on Liquor.

By Mr. McGee of Lincoln, and Mr. Urie of New Hampton, House Bill No. 394, An Act to provide for the construction, operation, maintenance and financing of industrial treatment plants for the removal of pollution in the waters of the state. To the Committee on Resources, Recreation and Development.

By Committee on Rules (Mr. Pillsbury of Manchester) House Bill No. 395, An Act relative to additional grants of school building aid. To the Committee on Education.

Reports of Standing Committees

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 201, An Act to allow the state to take advantage of federal benefits to education under the national defense education act of 1958, having considered the same, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill was referred to the Appropriations Committee under the rules.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 178, An Act to increase the powers of St. Anthony College, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "sixty days after" and inserting in place thereof the word, upon, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House

Bill No. 233, An Act coordinating the retirement age for women employees under the state employees' retirement system with that provided under the Federal Social Security Act, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 212, An Act relating to the competency of notaries, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the words, and no instrument heretofore acknowledged or notarized before a notary public or other officer who would have been competent to act under the terms hereof shall hereafter be impugned or invalidated on the grounds that such notary public or other officer was incompetent to act, so that said section as amended shall read as follows:

1 *Notary Public.* Amend RSA 455 by inserting after section 2 the following new section:

455:2-a *Competency.* It shall be lawful for any notary public or any other officer authorized to administer an oath or take as acknowledgment or proof of an instrument or make protest, who is a stockholder, director, officer or employee of a bank or other corporation, to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation; provided it shall be unlawful for any notary public or other officer authorized to administer an oath or take an acknowledgment or proof of an instrument or make protest, to take the acknowledgment of an instrument executed by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such notary or other officer is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by such corporation, where such

notary or other officer is individually a party to such instrument. This section shall not be construed to imply that the acts herein made lawful may heretofore have been unlawful, and no instrument heretofore acknowledged or notarized before a notary public or other officer who would have been competent to act under the terms hereof shall hereafter be impugned or invalidated on the grounds that such notary public or other officer was incompetent to act.

The Clerk read the amendment in full.

Mr. Marx of Langdon explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Frizzell of Charlestown, for the Committee on Judiciary to whom was referred House Bill No. 127, An Act relative to damaging and detaining library and gallery property, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Wilful Damage*. Amend RSA 272 by inserting after section 42 the following new sections: 572:42-a *Offenses Against Libraries*. Any person who shall wilfully or maliciously deface, damage or destroy any property belonging to or in the care of any gallery or museum or any state, public school, college, or other institutional library, shall be fined not more than three hundred dollars. Any such person shall forfeit to or for the use of such library, gallery, or museum, three times the amount of the damage sustained, to be recovered in an action in the superior court. 572:42-b *Detaining Books*. Any person who wilfully detains any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other property belonging to or in the care of any gallery or museum or any state, public, school, college or other institutional library, may be given written notice to return it, which shall bear upon its face a copy of this section, mailed by certified mail to his last address or delivered by a person designated by the lawful custodian of such property; and if he shall thereafter wilfully and knowingly fail to return such property within fifteen days after such notice, he shall be fined not more than one hundred dollars.

The Clerk read the amendment in full.

Mrs. Frizzell of Charlestown explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Tobin of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 205, An Act relating to the joinder of certain parties in court actions, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Tobin of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 206, An Act relating to contributory negligence as a defense in motor vehicle accidents, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Griffin of Auburn, for the Committee on Judiciary to whom was referred House Bill No. 250, An Act changing the name of Trustees of the Methodist Episcopal Meeting House in Rochester and increasing its property holding, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Watson of Belmont, for the Committee on Municipal and County Government to whom was referred House Bill No. 372, An Act legalizing the proceedings of the annual meeting of the New Hampton School District, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Eastman of Ashland, for the Committee on Municipal and County Government, to whom was referred House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Auburn, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Ainley of Manchester, for the Committee on Resources, Recreation and Development, to whom was referred House Joint Resolution No. 38, Joint Resolution relating to the opening date of schools, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

Mr. Monahan of Hanover explained the resolution, and House Joint Resolution No. 38 was referred to the Committee on Appropriations, under the rules.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 85, An Act relative to a vacancy in the office of Mayor of the city of Berlin.

Amend section 2 of said bill by inserting after the word "next," in line five of said section the word, city, and by inserting after the word "next" in line nine of said section the word, city, so that said section as amended shall read:

2 *Vacancies in Office.* Amend chapter 121 of the Laws of 1897 by inserting after section 12 the following new section:

Sect. 12-a. In case of the temporary absence of the mayor or in the event of a vacancy in the office of mayor due to death, resignation or removal from the city occurring within six months of the next city biennial election, the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his temporary absence or disability, or during such vacancy. If a vacancy in the office of mayor shall occur at a time more than six months prior to the next city biennial election, the council may order a special election to fill such vacancy for the unexpired term.

Amend said bill by inserting after section 2, the following new section:

2-a *City Solicitor.* Amend section 14, Chapter 121, Laws of 1897 as amended previously by striking out the words "city solicitor" and inserting in place thereof the words, city attorney, so that said section as amended shall read:

Sect. 14 Said council shall also, within one week of said annual meeting, appoint a board of three assessors, one from each ward, who shall receive for their services seventy-five dollars each per annum; and said council shall also, within thirty days of said annual meeting, appoint a board of health of not more than three persons, a city treasurer, who shall also serve as treasurer of the board of education and receive as compensation fifty dollars per annum, a city auditor, a collector of taxes, a city attorney, a city marshal and police officers, a highway commissioner, a chief engineer and assistant engineers of the fire department; and may create such other governmental departments and elect or appoint such other officers or agents as are necessary for the good government of the city, not otherwise provided for.

The term of such officers shall be for one year, and until their successors are elected and qualified, unless sooner removed, but all officers and agents shall be subject to removal by the city council. The compensation of officers and agents whose salary is not fixed shall be only such as may be fixed by the city council.

The Clerk read the amendment in full.

Mr. Fortier of Berlin moved that the House Concur in the amendment sent down from the Senate.

Mr. Fortier of Berlin explained the amendment.

On a *viva voce* vote the motion was adopted.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 40, An Act relative to serving milk for drinking from bulk containers.

House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest.

House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration.

The Senate Message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 51, An Act changing the title of the commissioner of charities of the city of Manchester.

Senate Bill No. 72, An Act relative to reduction of legislative mileage after June first and relative to a five day working week.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 51, An Act changing the title of the commissioner of charities of the city of Manchester, to the special committee consisting of the Manchester Delegation.

Senate Bill No. 72, An Act relative to reduction of legislative mileage after June first and relative to a five day working week, to the Committee on Public Welfare and State Institutions.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to dispense with the reference to committee on Senate Bill No. 72.

(discussion ensued)

Mr. Green of Manchester and Mrs. Brungot of Berlin spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Green of Manchester moved that the rules of the House be further suspended to permit consideration of a bill not previously advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Green of Manchester moved that further consideration of Senate Bill No. 72 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Geisel of Manchester moved that Senate Bill 72 be laid upon the table and be made a Special Order for Saturday, July 4th at 11:01 o'clock.

(discussion ensued)

Mr. Green of Manchester withdrew his motion to indefinitely postpone Senate Bill No. 72.

Mr. Geisel of Manchester withdrew his motion for a Special Order on Senate Bill No. 72.

The Chair declared a two minute recess.

Recess

After Recess

Mr. Kimball of Manchester offered the following amendment:

Amend said bill by striking out the words "general court" where it appears in line four and eight and inserting in place thereof the word "Senate."

Further amend the bill by striking out the word and figures "June 1st" in line 5 and inserting in place thereof the word and figure "April 1," so that said bill as amended shall read as follows:

1 *Legislative Mileage.* Amend RSA 14 by inserting after section 17 the following new section: 14:17-a *Reduced Rate.* Notwithstanding the provisions of this chapter relative to travel allowance and standard mileage table, in case any session of the Senate shall continue after April 1st the travel allowance for a member from said April 1st to the end of the legislative session shall be only one-half the amount he would be entitled to receive computed in accordance with RSA 14:15-17.

2 *Session.* The Senate shall meet five days per week, Monday through Friday for the balance of the current legislative session.

The Clerk read the bill as amended in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to place Senate Bill No. 72 on third reading and final passage at the present time.

On a *viva voce* vote the motion prevailed.

Third Reading

Senate Bill No. 72, An Act relative to reduction of legislative mileage after June first and relative to a five day working week, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it passed Senate Bill No. 72.

On a *viva voce* vote the motion did not prevail.

Resolutions

Mr. Gilman of Farmington offered the following resolution:

Whereas, there is now pending before the House of Representatives, Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists, and

Whereas, a question has been raised concerning its constitutionality on the grounds that the Honorable Senate, by originating this bill, and its consequent passage of same violated the provisions of Article 18, Part II of the Constitution, therefore be it

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Is such origin and enactment by the Honorable Senate of a bill establishing or increasing fees in violation of Article 18, Part II of the Constitution?

2. Is the raising of fees as provided in said bill a "money bill" under the provisions of Article 18, Part II of the Constitution?

The above resolution was referred to the committee on Rules.

Miss Loizeaux and Mr. Bell of Plymouth and Mr. Eastman of Ashland offered the following resolution:

Whereas, we have learned with regret of the passing of Emma Chamberlain of Holderness, and

Whereas, her bereaved husband, Stanley A. Chamberlain, is a fellow member, therefore be it

Resolved, That we, the members of this House of Representatives, do hereby extend our sincere sympathy to our fellow member in his bereavement, and be it further

Resolved, That the Clerk be instructed to transmit a copy of these resolutions to Mr. Chamberlain.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that Assistant Clerk, J. Milton Street of Sharon, with his partner won the Massachusetts State doubles squash championship last night.

Personal Privilege

Mr. Pickett of Keene rose on a point of personal privilege.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 178, An Act to increase the powers of St. Anthony college.

House Bill No. 233, An Act coordinating the retirement age for women employees under the state employees' retirement system with that provided under the federal social security act.

House Bill No. 212, An Act relating to the competency of notaries.

House Bill No. 127, An Act relative to damaging and detaining library and gallery property.

House Bill No. 250, An Act changing the name of Trustees of the Methodist Episcopal Meeting House in Rochester.

House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Auburn.

House Bill No. 372, An Act legalizing the proceedings of the annual meeting of the New Hampton School District.

On motion of Mrs. Cooper of Nashua the House adjourned at 12:22 o'clock.

THURSDAY, APRIL 2, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, we met Thee this morning when we heard the song of birds returned after the Winter. We saw Thee today when we noted tender green shoots springing from a pregnant earth. We heard Thee speak, as our friends and neighbors voiced their views with optimistic tones that only the Spring can induce.

These early April days convey spiritual meanings for the winters and springtimes of our living. We would recall the meaning of hope, that in the winters of our spirit we may persevere mindful of the coming of a time of greater joy. We would remember the meaning of faith, that in the fulness of our spring-like joys we may see beyond the incidentals of our living into the constancy of Thy companionship. Amen.

Pledge of Allegiance to the Flag

Mr. Gilbert of Bath led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced Grade 8 of the Village School of Hooksett as guests of the House under the direction of Mrs. Josie Bean, Principal and Mrs. Elsie Faneuf and Mrs. Fred Goodnight, sponsored by Mr. Mulaire of Hooksett.

The Chair welcomed the Strafford County Republican women who are observing their Legislative Day in the State House.

Leaves of Absence

Mr. Spofford of Jaffrey was granted leave of absence for two weeks on account of illness.

Messrs. Hayward of Milford, Clement of Landaff and Pike of Fitzwilliam were granted leaves of absence for the day on account of important business.

Introduction of Bills

The following House Bills and House Joint Resolutions were severally introduced, read a first and second time, laid on the table for printing, and referred as follows:

By Committee on Rules (Mr. Leonard of Franklin) House Bill No. 396, An Act authorizing the city of Franklin to issue bonds, to the committee on Municipal and County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 396.

On a *viva voce* vote the motion was adopted.

By Committee on Rules (Mr. Robinson of South Hampton) House Bill No. 397, An Act legalizing the school district meeting held in South Hampton on March 17, 1959, to the committee on Municipal and County Government.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 397.

On a *viva voce* vote the motion was adopted.

By Committee on Rules (Mr. Legallee of Litchfield) House Bill No. 398, An Act legalizing action taken at the annual meeting of the Litchfield School District held on March 7, 1959, to the Committee on Municipal and County Government.

Mr. Legallee of Litchfield moved that the rules of the House be so far suspended as to dispense with printing and committee reference on House Bill No. 398 and permit action on the bill at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

By Committee on Rules (Mr. Langford of Raymond) House Bill No. 399, An Act legalizing certain actions taken by the town of Raymond, to the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules of the House were so far suspended as to dispense with the printing of House Bill No. 399.

By Committee on Rules (Mrs. Goodwin of Hollis) House Bill No. 400, An Act to change the qualifications for service exemption from real estate taxation, to the Committee on Military and Veterans' Affairs.

By Committee on Rules (Mr. Green of Manchester) House Bill No. 401, An Act establishing the Manchester Airport Authority, to the Manchester Delegation.

By Mrs. Prescott of Brentwood, House Joint Resolution No. 42, Joint Resolution in favor of Annie Hallinan, to the Committee on Claims.

By Committee on Rules (Mr. Bigelow of Warner) House Joint Resolution No. 43, Joint Resolution in favor of the estate of Lewis A. Nelson, to the Committee on Claims.

On motion of Mr. Bigelow of Warner the rules of the House were so far suspended as to dispense with the printing of House Joint Resolution No. 43.

Recess

Mrs. Dondero of Portsmouth greeted Mrs. Long of Kingston in the well of the House and as President of, and on behalf of, the OWLS, congratulated Mrs. Long on her selection as New Hampshire Mother of the Year, and presented her with an orchid corsage.

After Recess

Reports of Standing Committees

Mrs. Lord of Gilford, for the Committee on Appropriations, to whom was referred House Bill No. 356, An Act providing for an additional appropriation for the expenses of the Legislature, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred House Bill No. 213, An Act relating to investments of savings banks, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph 1 of RSA 387:4 as inserted by section 1 of said bill by inserting after the words "which payments" in the twelfth line the words, so long as the balance of the loan exceeds seventy per cent of the value of the real estate by which it is secured, so that said paragraph as amended shall read as follows:

I *New Hampshire Real Estate*. Those directly secured by first mortgage on real estate situated within this state or within any state contiguous to this state; but no such invest-

ment shall be in a loan that exceeds seventy per cent of the value of the real estate by which it is secured; except that investment may be in a loan which exceeds seventy per cent but not eighty per cent of the value of the real estate by which it is secured, provided that it be secured by a first mortgage on real estate in this state containing a dwelling unit for not more than four families, and which mortgage shall provide for payment of the note within a period of twenty years from the date when the first monthly payment shall become due, and the first monthly payment shall become due nine months from the date of the note or one month from the final disbursement of funds, whichever shall first occur, and which payments, so long as the balance of the loan exceeds seventy per cent of the value of the real estate by which it is secured, shall include a proportionate share of the amount necessary to pay the real estate and other taxes upon such property. No loan on mortgage shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and except upon report of not less than two members of the board of trustees or board of directors, who shall certify on said application, according to their best judgment, on the basis of an appraisal made by one of their members, or by some officer of the bank, or some appraiser employed by the bank for the purpose of appraisal, the value of the premises to be mortgaged; and such application shall be filed and reserved with the records of the corporation. The premises so mortgaged shall be revalued in the same manner at intervals of not more than five years so long as they are mortgaged to the corporation. If at the time of such revaluation the amount of the loan is in excess of the percentage of the value of the premises mortgaged, as allowed above, a sufficient reduction in the amount of the loan shall be required, as promptly as may be practical, to bring the loan to within the authorized percentage. In determining whether any loan exceeds the authorized percentage of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or (2) an obligation wholly guaranteed under such title or (3) that portion of any loan or obligation which the Small Business Administration has unconditionally agreed to purchase, nor shall any bank be re-

stricted to the above authorized percentages on a loan secured by property which the borrower is purchasing from the bank.

Mr. Dutton of Peterborough moved to dispense with the reading of the amendment and explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Hartigan of Dover, for the Committee on Banks, to whom was referred House Bill No. 214, An Act relating to statements of account between banks and depositors, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred House Bill No. 215, An Act relating to statements of cashiers of national banks, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Wardwell of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 159, An Act relative to prohibited sales of alcoholic beverages, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Comi of Concord spoke in favor of the bill.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Wardwell of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 181, An Act relative to the sale of liquor or beverage to a minor, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Comi of Concord offered the following amendment:

Amend the bill by inserting after section 1 a new section as follows:

2 *Evidence Required*. Amend RSA 175 by inserting after section 7 the following new section: 175:7-a *Prohibited Sales*. No licensee, sales agent, nor any other person

shall sell or cause or permit or procure to be sold to any person between the ages of twenty-one and twenty-five any liquor or beverage unless and until said person shall procure a copy of his birth certificate and has signed his name in the presence of the seller. Whoever violates any provision of this section shall be fined not less than twenty dollars nor more than fifty dollars.

Further amend the bill by renumbering section 2 to read section 3.

The Clerk read the amendment in full.

Mr. Comi of Concord explained the amendment, and spoke in favor of it.

Mr. Pickett of Keene spoke against the amendment.

(discussion ensued)

Mr. Nickerson of Goffstown and Mr. MacIsaac of Laconia spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Hart of Manchester moved that House Bill No. 181 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

(discussion ensued)

At the request of Mr. MacIsaac of Laconia, the Clerk read the bill in full.

Messrs. Pillsbury of Manchester, Mr. Deans of Milford and Mr. Crosby of Hillsborough spoke in favor of the motion.

Mr. LaFrance of Manchester and Mr. Underhill of Nashua spoke against the motion.

(discussion ensued)

Messrs. Comi of Concord, Mr. Nickerson of Goffstown and Willey of Campton spoke against the motion.

The question now being on the motion of Mr. Hart of Manchester that House Bill No. 181 be indefinitely postponed.

On a *viva voce* vote the motion did not prevail.

Mr. Crosby of Hillsborough requested a division.

A division being had and 132 members having voted in the affirmative and 205 members having voted in the negative the motion to indefinitely postpone did not prevail.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pickett of Keene moved that the Rules of the House be so far suspended as to permit House Bill No. 181 to be placed on third reading and final passage at the present time by title only.

Mr. Hart of Manchester spoke against the motion.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 181, An Act relative to the sale of liquor or beverage to a minor, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Pickett of Keene moved that the House reconsider its vote whereby it ordered House Bill No. 181 to a third reading.

The Speaker ruled the motion out of order under Rule No. 30.

Mr. Wardwell of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the words, and delivered on the immediate premises, and provided further that an adult person shall be in attendance during the time of such employment, so that said section as amended shall read as follows:

1 *Liquor and Beverage.* Amend RSA 175:8 by striking out said section and inserting in place thereof the following: 175:8 *Employment of Minors.* No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve liquor or beverage. Provided, however, that the holder of an off-sale permit may employ minors of not less than eighteen years of age when beverage is sold in the original container and delivered on the immediate premises, and provided further that an adult person shall be in attendance during the time of such employment.

The Clerk read the amendment in full.

Mr. Underhill of Nashua explained the amendment.

(discussion ensued)

Mr. Deans of Milford moved that the bill be recommitted to the Committee on Liquor Laws.

Mr. Nickerson of Goffstown and Mr. Pickett of Keene spoke in favor of the motion.

Mr. Green of Manchester moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being, shall the bill be recommitted to the Committee on Liquor Laws.

On a *viva voce* vote the motion prevailed and House Bill No. 241 was recommitted to the Committee on Liquor Laws.

Mr. Desnoyer of Claremont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 281, An Act relative to the term of office of town auditors in certain cases, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 *Town Auditors.* Amend RSA 41 by inserting after section 32 the following new section: 41:32-a *Election.* Any town may, under an article in the warrant for the annual town meeting vote to elect a board of two or more auditors for the terms as herein provided. The terms of office shall be staggered so that after the year of adoption one auditor shall be chosen for a term of office for the same number of years as there are auditors on the board, provided however that in the year of adoption the members of the board shall be chosen for varying terms so that the term of one member shall expire in the next succeeding year, the term of the second member, the next year, and so on for the number of years as there are members on the board. The board of auditors shall perform the duties set forth for auditor in RSA 41:31. If a town has adopted an official ballot for the election of its officers the election of a board of auditors shall not take place until the annual town meeting following the town meeting at which the provisions of this section are adopted.

The Clerk read the amendment in full.

Mrs. Griffin of Auburn spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 181.

On a *viva voce* vote the motion did not prevail.

Senate Messages

The Senate message announced that the Senate has passed bills and joint resolution with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 42, An Act relating to utility poles.

Senate Bill No. 76, An Act relative to assistance for the cancer commission.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse.

Senate Bill No. 99, An Act relative to recounts of ballots after an election.

Senate Bill No. 77, An Act to establish a new apportionment for the assessment of public taxes.

Senate Bill No. 75, An Act relative to political expenditures.

Introduction of Senate Bills and Senate Joint Resolution

The following Senate Bills and Senate Joint Resolution were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 77, An Act to establish a new apportionment for the assessment of public taxes, to the Committee on Ways and Means.

Senate Bill No. 99, An Act relative to recounts of ballots after an election, to the Committee on Municipal and County Government.

Senate Bill No. 75, An Act relative to political expenditures, to the Committee on Executive Departments and Administration.

Senate Bill No. 42, An Act relating to utility poles, to the Committee on Public Works.

Senate Bill No. 76, An Act relative to assistance for the cancer commission. To the Committee on Public Health.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse, to the Committee on Claims.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following bill with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 172, An Act relative to the use of outboard motors and power boats by fish and game department personnel.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Restrictions on Boating; Application.* Amend RSA 486 by inserting after section 4 the following new section: 486:5 *Fish and Game Department.* The provisions of this chapter shall not apply to the use of outboard motor or power boats by state employees when essential to the discharge of their official duties in an emergency or other extraordinary situation.

Amend said bill by inserting after section 1 the following new section, 1-a.

1a *Exemption from Registration Fee.* Amend RSA 270:5 by inserting at the end of said section the following new sub-section:

V. Power boats and outboard motors owned and operated by the state shall be exempt from registration fees but shall be registered as any other power boat or outboard motor.

Mr. Bisbee of Derry moved that the House concur with the amendment sent down by the Honorable Senate and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 64, An Act relative to the practice of professional engineering.

Amend RSA 319:22-a, as inserted by section 7 of the bill as amended by striking out the word "June" where it appears a second time, so that section 7 of the bill as amended shall read as follows:

319:22-a. *Determination of Fee.* The board shall annually, prior to the first day of June in each year, beginning in 1959, determine the normal annual fee to be paid for renewals of certificates. Said normal renewal fee shall not be less than two dollars nor more than five dollars.

Further amend said bill by striking out section 12 and substituting in place thereof the following:

12 *Interstate Commerce.* Amend paragraph VI of RSA 319:30 by striking out said paragraph and inserting in place thereof the following:

VI. The practice of professional engineering solely as an officer or an employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 19, 1934.

The Clerk read the amendment.

Mr. Newell of Concord moved that the House concur in the amendment sent down by the Honorable Senate.

On a *viva voce* vote the motion was adopted.

The Senate Message further announced that the Senate has voted to adopt the report of the Committee of Conference on House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

The Committee of Conference, to whom was referred House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors, having considered the same, reported the same with the following recommendations: That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend paragraph III of RSA 270:5 as amended by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. *Private Boats; Outboard Motors.* There shall be paid to the commission for each registration for privately operated outboard motors a fee as follows: For outboard motors up to and including the manufacturer's rated capacity of five horsepower, three dollars; for motors with the manufacturer's rated capacity of five and one-tenth horsepower to thirteen and nine-tenths horsepower, four dollars; for motors with the manufacturer's rated capacity of fourteen horsepower and over, five dollars. In the case of boats propelled by more than one outboard motor, the fee prescribed above shall apply to the individual horsepower.

JAMES E. CLEVELAND

CHARLES C. EATON

Conferees on the part of the Senate

MARCUS E. DIFFENDERFER

MYRON B. HART

SCOTT F. EASTMAN

Conferees on the Part of the House

The Senate message further announced that the Senate has passed the following concurrent resolution, in the passage of which it asks the concurrence of the House of Representatives:

Concurrent Resolution

Inviting Dr. Fred C. Schwartz from Sidney, Australia, to address the Legislature.

Whereas, Fred C. Schwartz, M. D., surgeon and psychiatrist, will make a visit to New Hampshire on Tuesday, April 7, therefore be it

Resolved, by the Senate, the House of Representatives concurring, That Dr. Fred C. Schwartz, be invited to address the Senate and House in Joint Convention on that day.

On motion of Mr. Gilman of Farmington the House concurred in the Concurrent Resolution.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse.

House Bill No. 180, An Act relative to hawks and owls and the taking of protected birds.

House Bill No. 194, An Act relative to personnel at the state department of health laboratory.

House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds.

House 182, An Act relative to the sale of the Concord Armory.

House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways.

House Bill No. 245, An Act relative to license fees for persons operating a vehicle used in the business of buying and selling live poultry.

House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds.

House Bill No. 176, An Act relating to limit of accumulation of The Boys' and Girls' Benefit Fund.

House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of nonresident.

House Bill No. 138, An Act relative to birth registration cards, fees for vital statistic records, and for correction of vital records.

The Senate Message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 139. An Act relative to report of marriages solemnized outside the state.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of an amendment to the following bill.

Senate Bill No. 54, An Act authorizing rehabilitation work in redevelopment projects.

The Senate Message further announced that the Senate has voted to concur in the amendments offered by the Committee on Engrossed Bills, to the following House Bill, sent in from the House of Representatives:

House Bill No. 80, An Act relative to the salaries of the Justice of the Municipal Court of Goffstown.

The Senate Message further announced that the Senate refuses to concur with the House of Representatives in the

adoption of the amendment to the following entitled bill, sent up from the House of Representatives and requests a committee of conference.

Senate Bill No. 72, An Act relative to reduction of legislative mileage after April first, and relative to a five day working week.

The President appointed as conferees on part of the Senate, Senators English and Lamontagne.

On motion of Mr. Chandler of Bartlett the House refused to accede to the request for a committee of conference on Senate Bill No. 72.

On motion of Mr. Leonard of Franklin, the order whereby House Bill No. 396, An Act authorizing the city of Franklin to issue bonds, was referred to the committee on Municipal and County Government was vacated and the bill was referred to the Franklin Delegation.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 398, An Act legalizing action taken at the annual meeting of the Litchfield School District held on March 7, 1959.

House Bill No. 356, An Act providing for an additional appropriation for expenses of the Legislature.

House Bill No. 213, An Act relating to investments of savings banks.

House Bill No. 214, An Act relating to statements of account between bank and depositors.

House Bill No. 215, An Act relating to statements of cashiers of national banks.

House Bill No. 281, An Act relative to the term of office of town auditors in certain cases.

On motion of Mrs. Gowing of Dublin the House adjourned at 1:13 o'clock.

TUESDAY, APRIL 7, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend H. Jack Heminway of the Meriden Congregational Church of Meriden Village in Plainfield.

Almight God, we address ourselves to Thee in hope and expectation that Thou wilt become one in spirit with us this day. Let each of us be made aware of Thy presence, as Creator and Sustainer of ourselves and those we represent. Do Thou enter into our minds as we seek to administer the affairs of this State. Grant us courage to change what ought to be changed; grant us patience to accept what cannot be changed, and above all, grant us the wisdom to know the one from the other. Hear our prayer, Almighty God, Lord of lives. Amen.

Pledge of Allegiance to the Flag

Mr. Spalding of Plainfield led the Convention in the Pledge of Allegiance to the Flag.

Dr. Fred C. Schwartz of Sydney Australia delivered an address to the Joint Convention on Communism.

(Recess)

(After Recess)

His Excellency, Governor Wesley Powell, then came before the Joint Convention and delivered the following message:

Mr. Speaker, Mr. President, Honorable Members of the General Court:

I have the pleasure to recommend the establishment of a Department of Hospitals, Mental Health and Corrections. The purpose of the recommendation is to point the way to more adequate and efficient state government service in a vital area.

The new department would encompass Glencliff Sanatorium, The State Industrial School, Soldiers Home, State Hospital, Laconia State School, Division on Alcoholism, Mental Hygiene Clinics, State Prison and Probation Department.

The new department would be headed by a Commissioner who would have the benefit of consultation with an Advisory

Commission of seven citizens. The Commissioner would be directly responsible to the Governor and Council. He would have over-all responsibility and direction of the entire department which would consist of two offices. Within one office would be Out-Patient Services, The Sanatorium, Laconia State School, Soldiers' Home and State Hospital. This office would be headed by a Director of Hospitals and Mental Health. He or she would be directly responsible to the Commissioner.

The other office would consist of the State Industrial School, State Prison and Division of Parole and Probation. The Commissioner would be directly responsible for this office.

The Commissioner's salary would be in the range of \$12,480.00 to \$13,936.00, plus full maintenance in a home located on the State Hospital Grounds.

The salary of the Director of Hospitals and Mental Health would be in the range of \$10,634.00 to \$12,220.00, plus full maintenance in a home located on the State Hospital Grounds.

In the new department, the salary range for a Senior Psychiatrist would be increased from \$8,050.00 - \$9,570 to \$9,060.00 - \$10,780.00, or within \$20.00 of the base maximum requested by Dr. Holt; the salary range for Psychologist increased from \$4,430.00 - \$5,430.00 to \$4,940.00 - \$6,140.00, the maximum being somewhat less than requested by Dr. Holt but justified by our Personnel Department; the salary range for Psychiatric Social Worker increased from \$4,240.00 - \$5,120.00 to \$4,640.00 - \$5,840.00, or \$340.00 above that requested, but justified by Personnel; the salary range of Senior Physician increased from \$6,630.00 - \$7,950.00 to \$7,490.00 - \$9,090.00; and of Physician from \$6,300.00 - \$7,620.00 to \$7,190.00 - \$8,590.00.

State Hospital

The position of Superintendent of the State Hospital would be continued at present salary plus residence and full maintenance. Incidentally, I am sure you are aware full maintenance for these positions includes food for the occupant and his family.

With the establishment of the post of Commissioner, the position of Assistant Superintendent of the State Hospital would be abolished. Likewise abolished would be the positions of Chief Institutional Social Worker, Psychiatric Social Work-

er, and three Institution Social Workers. At this point I want to request that the sincerely interested relate the abolishment of these positions to new positions which would be created in connection with Psychiatric Teams to be described a little later.

The present Hospital position known as Business Administrator III would be transferred to the Commissioner's office. The Medical Stenographer I would be transferred to the division of Outpatient Service. A Medical Laboratory Technician II, an Occupational Therapist and a Laundry Worker I would be transferred to the Hospital from the Sanatorium. I would ask that you relate that item to the section of this message covering the Sanatorium.

The reorganization intends that maintenance of buildings, grounds' care, housekeeping, warehousing, electric current, and food preparation shall be the responsibility of the Hospital so far as buildings occupied by the Sanatorium, Out-Patient Services and Soldiers' Home are concerned. In the budget recommendations to reach you shortly, the fuel, utilities, food and other requirements are provided for.

In the recommended budget, salaries of professional staff members are increased about \$40,000.00 for the biennium to meet a need urgently voiced for a long time.

Laconia State School

Again with the creation of the post of Commissioner, the position of Deputy Superintendent would be abolished. Again with reference to Psychiatric Teams to be erected, the positions of Institutional Worker and Training Counsellor would be abolished. The salaries of two physician positions are increased from \$15,240. to \$17,180. each year of the next biennium.

State Sanatorium

It is my recommendation that the Glenclyff Sanatorium be closed and relocated in a new building on the Fruit Street side of the spacious State Hospital grounds. Public Works division estimates that such a new, modern 60-bed hospital unit will cost \$615,000. In the revised capital budget recommendations the sum of \$15,000.00 is included for the purchase or construction of nearby quarters for the Sanatorium Superintendent.

There are several sound reasons for this recommended relocation. They include the certain-to-be increasing costs of maintenance at Glencliff, the over-all wisdom of consolidation of hospital programs, the desirability of a modern facility, the important greater convenience of the families of tubercular patients.

It is estimated that the sale of the Glencliff property (1) the farm, herd and equipment; (2) the physical plant; (3) 795 acres of woodland with an estimated 2½ million feet of growing timber, would bring about \$250,000.00. However, neither this nor any other amount is included in connection with amortization payments to be discussed later in this message.

In the budget recommendations to be submitted to you, all restricted Sanatorium revenues are eliminated except for \$1,100. each year from maintenance refunds for staff living on the State Hospital grounds and food.

The following positions would be retained in connection with the relocation of the Sanatorium: Superintendent, Senior Physician TB, 13 attendants TB, 8 Charge Nurses, 1 Graduate Nurse, and 1 Supervising Nurse.

It goes without my saying that we would continue full appropriations for treatment and surgery at Mary Hitchcock Hospital for Sanatorium patients. Furthermore, adequate appropriations would be continued for food, fuel, utilities, supplies and travel. Reorganization would abolish the farm, Plant Maintenance, and the remaining staff and related costs.

Soldiers Home

It is my recommendation that the Soldiers Home at Tilton be closed and a new 50-bed Home constructed in the Fruit Street area of the State Hospital grounds at a cost of \$273,000., as estimated by Public Works Division. The position of Commandant would be retained and the sum of \$15,000 is provided in the revised capital budget for purchase or construction of a residence for him.

Incidentally, the Commissioner and Home Superintendent would have the benefit of consultation on matters related to the Home with a Board of Representatives consisting of one member each from United Spanish War Veterans, The Veterans of Foreign Wars, the Disabled American Veterans,

the American Legion, and one other, as presently required by statute.

In the reorganization, the positions of Commandant, 1 Attendant II, 6 Attendants I would be continued. All other positions would be abolished. All expenditures would be combined under a Division of Custodial Care for Soldiers Home. Present satisfactory appropriations for Current Expenses would be continued, and estimated Federal Fund balances would remain unchanged.

It is estimated the sale of the physical plant at Tilton would bring some \$36,000.00 but no amount is included in bond amortization discussed later.

Need I say that wholly apart from greater efficiency, the recommended new Soldiers Home would provide better care and comfort during their twilight years for these to whom we are indebted.

Out-Patient Services

In the Division of Out-Patient Services recommended for the new department, New Hampshire would at long last have the Psychiatric Teams and local periodic clinical services for which funds have been asked for years and for which the need is so great.

Out-Patient Services would include six Psychiatric Teams consisting of a Senior Psychiatrist, a Psychologist, a Psychiatric Social Worker. There would be four medical-legal stenographers. There would be also a Coordinator of Child Guidance and a Coordinator on Alcoholism.

Furthermore, in order to assure the development of a sound program by the Commissioner and Director of Hospitals and Mental Health, budget recommendations include an added \$50,000.00 for each year of the biennium to be programmed by these officials with Governor and Council approval. I would like to point out that with the helpful advice of their Advisory Council, the Commissioner and Director could utilize these funds for such as additional Psychiatric Teams, for current expense and travel, or to establish such positions as Institutional Social Workers, or a combination of these, or other uses.

I want to emphasize that the reorganization would mean increased salaries for the positions of Senior Psychiatrists, Psychologists and Psychiatric Social Workers to that degree

which would allow New Hampshire to compete for qualified persons for these important positions.

State Prison

In the new department recommended, the Parole Division would be removed from the State Prison budget. At this point I would reiterate that the Commissioner would be directly responsible for State Prison. This, plus the decreased population of the Prison and transfer of Parole functions, prompts the recommendation that the position of Deputy Warden be abolished.

Industrial School

The Parole Division would be deleted from the Industrial School Budget. However, with regard to this institution the position of Deputy Superintendent would be retained to help cope with the impact of increasing juvenile delinquency upon the population of the School and the consequent increased problems of rehabilitation, instruction and custody.

Division of Parole and Probation

In the new department, there would be a Division of Parole and Probation. At the present time, according to testimony and evidence given to me, the Probation Department spends 50% of its time on alimony collections. We have made bill collectors out of Probation Officers.

There is in the state government a Department of Administration and Control. In that department is a Division of Investigation of Accounts which has been doing excellent work in the business of collecting money due to the State. In this reorganization, alimony collections would be transferred to this Division. This would require an increased appropriation for the Division of \$38,974.48 for 1960 and \$30,394.46 for 1961. Conservatively, the appropriations would be offset by revenue from a fee schedule covering delinquent alimony accounts.

At the present time, there are eighteen full-time Probation Officers. The transfer of alimony collections would free the time of nine of these. Four of the nine would be available for probation duties as requested by the present Director of Probation. Five would be available for the parole work of

State Prison and Industrial School assisted by the work of the new Psychiatric Teams.

There would be a Director of Probation and Parole working under the Commissioner. The parole work would be guided in policy matters by a Board of Parole for State Prison and a Board of Parole for Industrial School.

Mental Hygiene Clinics

It is my recommendation that with the creation of the six Psychiatric Teams plus the \$100,000.00 for other Out-Patient programming, the Mental Hygiene Clinics, as they now appear, be abolished. The Director and eight positions (Chief Clinic Social Worker, Chief Psychologist, Child Psychiatrist, 2 Psychiatric Social Sorkers, 2 Psychologists, Medical-Stenographer I) would be transferred to Out-Patient Services. One position would be transferred to the office of the Commissioner (Clerk-Stenographer IV). Federal funds now available to Mental Hygiene Clinics in the amount of \$25,000.00 each year would be continued as restricted revenue to Out-Patient Services in the new Department. This is justified by the fact that reorganization would expand the program and services in this area.

Division on Alcoholism

Under this reorganization, the Division on Alcoholism would be abolished as such but its functions transferred to the Out-Patient staff. The Director and two other positions (Chief Clinic Social Worker, Psychiatric Social Worker) would be transferred to Out-Patient Services and one position (Clerk-Stenographer III) would be transferred to the office of the Director of Hospitals and Mental Health.

The increased out-patient services are generally recognized as preferable to in-patient treatment of alcoholics and it is further generally agreed the localized clinical work of the Psychiatric Teams will eliminate the need for the hospital unit presently maintained by Division on Alcoholism. Therefore, funds would not be continued for this unit under reorganization. However, upon showing to Governor and Council of constructive need for hospitalization, funds would be made available from the extra appropriations for Out-Patient Services upon recommendation of the Commissioner.

Repetition is in order here. The Psychiatric Teams would be available for service at our institutions and in all areas of the state at intervals fixed by the Director of Out-Patient Services and the Commissioner. Therefore, present services of Mental Hygiene Clinics and Division on Alcoholism would be expanded and become more direct.

It will interest you to know that there is now a backlog of about 120 cases for her Clinics, according to Dr. Philbrook.

Also, of interest is the professional opinion that until services are more localized, a great many alcoholics will not be found, let alone helped.

It should be noted also that today local hospitals accept alcoholics for treatment whereas at the time the present in-patient treatment was begun such was not the case largely.

I want to observe here — and would ask that special pleaders take careful note — that it is the more immediate and better care and treatment of the mentally disturbed child and adult, and the more immediate and better care and treatment of the alcoholic which claim my interest — not the emotions and possessiveness which surround a particular title of agency or person.

Expanded Services, Efficiency, Savings

By this recommended reorganization with its elimination of duplication of services and improvement of efficiency through centrally locating facilities, there would be a gross savings of \$1,200,000.00 for the full biennium 1960-61.

After the salary increases for professional services, after the establishment of the Commissioner's office and the office of Director of Hospitals and Mental Health, after the expansion of out-patient services with its six Psychiatric Teams plus \$100,000.00 for further programming for the biennium, after reducing the Probation Officer case load and expanding the Division of Investigation of Accounts to handle alimony collections, after amortization payments for the new Sanatorium and new Soldiers Home — after all of this — there would be a net dollar saving to the state for the biennium of about \$448,000.00.

Furthermore, sums received from the sale of the Glencliff and Tilton properties would reduce required bonding and thereby reduce amortization payments.

Ladies and gentlemen of the General Court, the net dollar savings available to the state to help meet its other increasing costs of essential services is important.

Far more important, however, is the rehabilitation of human life and the better care of those for whom the shades of mental darkness have fallen.

Is it possible we can lift together the discussion of this plan to a lofty plane and promptly move forward to a better care for those less fortunate than ourselves, a more adequate consideration of those into whose hands and skills we place the care of the mentally ill?

On motion of Senator Humphreys of District No. 24 the Convention rose.

House

Introduction of Guests

The Chair introduced as guests of the House today:

The 7th and 8th grade pupils of Plainfield Plain School and the White School of Meriden with their teachers, Principal of Plainfield Plain School, Mrs. Tracy Spalding and Mrs. Helen Stammers, also Principal of the White School, Richard Goodman, as guests of the member from Plainfield, Mr. Spalding.

A group of Exeter High School seniors in charge of Mr. Otis as guests of the Exeter Delegation.

The Elementary school of Groton in charge of Mrs. Robert Orr as guests of Mr. Bell of Plymouth.

Leaves of Absence

Messrs. Leighton of Dover, Charland of Franklin and Clancy of Manchester, Ward 6, were granted leaves of absence for the week on account of illness.

Messrs. Marx of Langdon and Keefe of Portsmouth were granted leaves of absence for the day on account of important business.

Mr. Snow of Gilmanton was granted a leave of absence for two weeks on account of illness.

(Recess)

The Chair declared a forty-five minute recess.

(After Recess)

Introduction of Bills

By Mr. Hunter of Hampton, House Bill No. 402, An Act to create the Town of Hampton Marsh Reclamation Authority. To the Committee on Resources, Recreation and Development.

By Mr. King of Manchester, House Bill No. 403, An Act relative to the settlement of labor disputes of public employees. To the Committee on Judiciary.

By Mr. Rousseau of Manchester, House Bill No. 404, An Act relating to motor vehicle inspections. To the Committee on Executive Departments and Administration.

By Mr. Lessels of Concord, House Bill No. 405. An Act to repeal the timber tax law. To the Committee on Resources, Recreation and Development.

By Mr. Snow of Gilmanton and Mr. King of Manchester, House Bill No. 406, An Act providing for reprinting volume 2 of the Revised Statutes Annotated. To the Committee on Executive Departments and Administration.

By Mr. Snow of Gilmanton and Mr. King of Manchester, House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated. To the Committee on Executive Departments and Administration.

By Mr. Lacaille of Laconia, House Bill No. 408, An Act increasing the salary of the Belknap county attorney. To the Belknap County Delegation.

By Mrs. Frizzell of Charlestown, House Bill No. 409, An Act relative to reports of income by certain county and municipal officers. To the Committee on Judiciary.

Reports of Standing Committees

Mr. Davis of Cornish, for the Committee on Agriculture to whom was referred House Bill No. 295, An Act relating to the milk fat content of ice cream, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 314, An Act relative to the effective date of federal-

state old age and survivors insurance agreements, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 315, An Act providing additional benefits to state employees upon retirement, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Spalding of Plainfield, for the Committee on Fish and Game to whom was referred House Bill No. 255, An Act to extend the season for taking raccoons, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Watson of Belmont, for the Committee on Municipal and County Government to whom was referred Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the general court, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Private Bills Affecting Municipal Subdivisions.* Amend RSA 14 by inserting after section 6 the following new section: 14:6-a *Notice Required.* Whenever there is introduced into either branch of the general court a private act which relates to a particular town or city or other political subdivision the legislative drafting service in the office of the attorney general shall forthwith send copies thereof to the board of selectmen of the town, governing body of the city or executive head of the political subdivision concerned and to the clerk of the town, city or political subdivision. Said service may also forward copies of the bill to any other officials of the municipality who, in the judgment of the service, should receive notice of the introduction of said bill.

Senate Bill No. 19 was laid on the table for printing of the amendment under Rule 48.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of the amendment to Senate Bill No. 19 and explained the amendment.

(discussion ensued)

On a *viva voce* vote the motion was adopted and the Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 64, An Act relative to elected special police officers, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Miskelley of Keene, for the Committee on Ways and Means, to whom was referred House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the numbering of the lines from 1 to 19.

Amend said bill by striking out the first four lines and inserting in place thereof the following:

1 *Franchise Tax*. Amend RSA by inserting after chapter 83-A as inserted by an act passed at the special session of 1958 on February 19, 1958, being chapter 5 of the Laws of 1958 relative to reestablishing a franchise tax on certain utilities, the following new chapter:

Chapter 83-B

Franchise Tax

Amend said bill by renumbering sections numbered 83-A:1 to 83-A:22, inclusive, to read 83-B:1 to 83-B:22; by renumbering the section numbered 83-A:23 to read section 2 and by renumbering the section numbered 83-A:24 to read section 3.

Amend the section hereinbefore renumbered 83-B:2 by striking out the word "three" in the fourth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows:

83-B:2 *Tax Imposed.* Every public utility shall pay to the state, annually, a special tax upon the franchise exercised by such public utility within the state, such tax to be assessed at a rate equal to eight per cent of the income such public utility derives in this state during the calendar year of assessment from the exercise of such franchise.

Amend paragraph VI of the section hereinbefore renumbered 83-B:1 by striking out said paragraph and inserting in place thereof the following:

VI. "Net book value of the electrical or gas operating property", hereinafter referred to as "net book value" shall mean the value computed by deducting from the amount of fixed capital electric or gas, the amount of intangible property, general equipment, miscellaneous tangible property and unfinished construction all as said items are required to be reported and in accordance with the uniform classification of accounts of the public utilities commission applicable to the particular class of utility in effect on the date of passage of this chapter and by subtracting from the resultant figure (hereinafter referred to as the "amount of operating property") depreciation reserves applicable to the said amount of operating property. Said depreciation reserves applicable to the amount of operating property located in New Hampshire shall be the percentage of total depreciation reserves as shall equal the percentage of the amount of operating property in New Hampshire to the total amount of operating property wherever located.

Amend the section hereinbefore renumbered 83-B:4 by striking out the word "thirty" in the ninth line and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

83-B:4 *Computation of Tax.* The commission shall compute a tentative tax by applying the rate set forth in section 2 hereof to the income reported as required by section 3 hereof; provided, that when only a portion of the business of a public utility is conducted within the state, the tax shall be

computed on that portion of the income as is derived from business conducted within the state only, said portion being determined under the provisions of section 8 hereof. Notification of the amount of the tentative tax shall be given by the commission to the public utility not less than fifteen days before payment of the tax is due.

Amend section hereinbefore renumbered 83-B:5 by striking out the word "thirty" in the second line and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

83-B:5 *Payment of Tax.* Not later than May first in each year or not sooner than fifteen days after receipt by the public utility of the notification required by section 4 hereof, whichever is later, each public utility subject to the tax shall pay to the director the tentative tax computed in accordance with section 4 hereof; provided, however, the time for payment may be extended by the commission as provided by section 7 or upon its own motion.

Amend the section hereinbefore renumbered 83-B:6 by striking out the words "thirty-first day of March" and inserting in place thereof the words, first of April, and by striking out the figure "7" in the seventh line and inserting in place thereof the figure, 8, so that said section as amended shall read as follows:

83-B:6 *Adjustment.* Not later than the first day of April of each year, each public utility subject to a tax under this chapter with respect to the preceding calendar year shall report its actual income for said calendar year to the commission. After making the appropriate adjustments to such actual income to eliminate the effect of out-of-state business in the manner provided for in section 8 hereof, the commission shall determine the tax for said calendar year by applying the rate prescribed in section 2 hereof to the actual income derived from operations within the state. If the tax so computed exceeds the tentative tax paid by the public utility, the excess shall be billed to the public utility and paid by the public utility within thirty days. If the tax so computed is less than the tentative tax paid by the public utility, the overpayment shall be applied against any tax due in the succeeding year unless the public utility requests the commission for a refund, in which event the commission shall certify the

fact to the state treasurer and the state treasurer shall thereupon refund the amount of the overpayment to the public utility out of funds not otherwise appropriated.

Amend the section hereinabove renumbered 83-B:12 by striking out the words "together with interest thereon if the overpayment was not due to fault of the public utility" so that said section as amended shall read as follows:

83-B:12 *Relief by Commission.* Any utility aggrieved by a finding of the commission under this chapter may petition the commission for a hearing and after hearing, the commission may make such order thereon as justice requires. If as the result of such hearing, it is found that further tax is due, the director shall collect such further tax, including any applicable penalty and interest found to be due or if it is found that an overassessment has been made, the commission may abate any portion of the tax, interest, and penalty so overpaid. If an abatement is granted, refund shall be made in accordance with section 6 of this chapter.

Mr. Chandler of Bartlett explained the amendment.

(discussion ensued)

Messrs. Malley of Somersworth, McCullough of Keene and Merrill of Exeter spoke against the bill.

Mr. Gilman of Farmington and Mrs. Frizzell of Charlestown spoke in favor of the bill.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the bill.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Pickett of Keene raised the question of a quorum.

On a rising count, 333 members being present, the Speaker declared a quorum.

Mr. Underhill of Nashua, for the Committee on Liquor Laws, to whom was referred House Bill No. 109, An Act relative to presence of minors in cocktail rooms, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee to whom was referred House Bill No. 109, An Act relative to presence of minors in cocktail rooms, having considered the same, and be-

ing unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

CHARLES F. ARMSTRONG,
CALVIN J. LANGFORD,
PETER P. CHARLAND,
ELMER B. NICKERSON,

For the Committee.

The reports were accepted.

Mr. Armstrong of Littleton moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Blanchard of Jackson spoke against the motion.

Mr. Rollins of Alton spoke in favor of the motion.

(discussion ensued)

Messrs. Murch of Portsmouth, Brown of Keene, Woodman of Concord, Underhill of Nashua and Mrs. Dondero of Portsmouth spoke against the motion.

Messrs. Plourde of Pembroke, Hunter of Hampton and Mrs. Atwood of Sanbornton spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

Mr. Nickerson of Goffstown spoke in favor of the motion.

(discussion ensued)

Messrs. Clement of Landaff and Sanborn of Hampton Falls spoke in favor of the motion.

Messrs. Comi of Concord and Mr. London of New London spoke against the motion.

Mr. Vachon of Manchester moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to substitute the words "Ought to Pass" for the words "Inexpedient to Legislate."

Mr. Underhill of Nashua requested a division.

A division being had and 153 members having voted in the affirmative and 197 members having voted in the negative the motion did not prevail.

The question now being on the resolution that the bill is Inexpedient to Legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Hart of Manchester demanded the Yeas and Nays.

Yeas, 201

HILLSBOROUGH COUNTY: Aucella, Vadney, Taft, Dan-eault, Gallagher, Gamache, Ainley, Lang, Pettigrew, Danforth, Geisel, Goode, Pillsbury, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Arm-strong of Manchester, Healy of Manchester, Ward 6, O'Connor, LaFrance, LeClerc, Tessier, Champagne, Compagna, Delisle, Pelissier, Cary, Morris, Belanger, Bergeron, King, Hurley, La-fond of Manchester, Noel, Martel of Manchester, Ward 12, Maston, Nalette, Daniel, DeGrace, Gauthier, Rousseau, Crow-ley, Vachon, Peaslee of Merrimack, Hayward of Milford, Underhill, Thibault of Nashua, Belcourt, Trombly, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Sablusi, Bouthillier, Gingras, Locke, Hodgman, Rice.

CHESHIRE COUNTY: O'Neil of Chesterfield, Gordon of Jaffrey, Keating, Terrill, Bennett, Brown of Keene, Faulkner, Pickett, Forbes, Bouvier, Ballam.

SULLIVAN COUNTY: Bradbury, Gaffney, Nahil, Burrows, D'Amante, Desnoyer, Davis of Cornish, Brown of Newport, Spalding, Philbrick of Springfield, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Stevenson, Plumer, Willey, Bradley of Hanover, Monahan, Neale, Larty, McMeekin, Chamberlain of Holderness, Couter-marsh, Guay of Lebanon, Whipple, McGee, Collyer, Birch, Haskins, Bell, Barney, Davis of Woodstock.

COOS COUNTY: Dussault, Perrault, Desilets, Christian-sen, Bouchard, Crockett, Graham of Gorham, Bragg, Potter, Bushey, Styles, Converse, Emery, Baker, Stinson.

ROCKINGHAM COUNTY: Blair, Jones, Jenkins, Sheehy, LaBranche, Twardus, Dondero, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross.

STRAFFORD COUNTY: Blanchette, Desjardins, Stonemetz, Calcutt, Colbath, Flanagan, Randall, Rolfe, Hartigan, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley.

BELKNAP COUNTY: Lord, Lacaillade, Karagianis, MacIssac, Varrell, Urie.

CARROLL COUNTY: Chandler, Downs, Roberts, Blanchard, Brown of Sandwich, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, LaFlamme, Dowd, Davis of Concord, Henry, Woodman, O'Neil of Concord, Gove, Maxham, Newell, Comi, Rufo, Carr, Boomhower, Lafond of Hooksett, Presby, Perry, London, McGrath, Hunt, Bigelow, Stone.

Nays, 163

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Farwell, Herrick, Branch, Hambleton, Nickerson of Goffstown, Poore, Crosby, Goodwin, Legallee, Kimball of Manchester, Hart of Manchester, Martel of Manchester, Ward 3, Dion of Manchester, Deans, Falconer, Cole, Cooper, Saunders, Brosnahan, Thompson of New Ipswich, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, Gowing, Pike, Turner, Stearns, McCullough, Wheeler, Miskelly, Kretowicz, Oliver, Allen, Hackler, Congdon, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Phillips, Wirkkala, Bailey, Downing, Rowell.

GRAFTON COUNTY: Gilbert, Graham of Canaan, Sanborn of Enfield, Hayward of Hanover, Clement of Landaff, Beard, Porter, Armstrong of Littleton, Burrill, Kelley, Johnson of Monroe, Cushman, Kinghorn, Loizeaux, Bradley of Thornton, Breck.

COOS COUNTY: Fortier, Brungot, Gagnon, Lacasse of Berlin, Marsh, Oakes, Emerson, Kimball of Jefferson, Swett, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Bisbee,

Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Cheney, Carter, Pinkham, Palmer of Plaistow, White of Portsmouth, Ward 4, Langford, Roulston, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Grimes, Richardson, Bevan, Chase of Durham, Littlehale, Drew, Gilman of Farmington, Reid, Moulton, Maxfield, Watson of Rochester, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Hart of Laconia, Harkins, Normandin, Ayre of Laconia, Prescott of Laconia, Burbank, O'Shan, Pickering of Meredith, Smith of Meredith, Atwood, Howe.

CARROLL COUNTY: Hill, Stokes, Nickerson of Madison, Diffenderfer, Nickerson of Tamworth, Hodgdon, Duchano.

MERRIMACK COUNTY: Phelps, Flynn, Hanson, Moore, Bates, Hancock, Lessels, Robinson of Concord, Peaslee of Concord, Saltmarsh, Cilley, Chase of Concord, Gilman of Franklin, Thompson of Franklin, Leonard, Carpenter, Mulaire, Burleigh, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, Thompson of Wilmot.

And the resolution of the committee was adopted.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it adopted the resolution that House Bill No. 109 was inexpedient to legislate.

On a *viva voce* vote the motion did not prevail.

Senate Messages

The Senate Message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage.

Senate Bill No. 40, An Act relating to investments of savings banks.

Senate Bill No. 53, An Act relating to the North Conway Loan and Banking Company.

Senate Bill No. 87, An Act providing that Senators be members of the County Convention.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage, to the committee on Liquor Laws.

Senate Bill No. 40, An Act relating to investments of savings banks, to the committee on Banks.

Senate Bill No. 53, An Act relating to the North Conway Loan and Banking Company, to the committee on Banks.

Senate Bill No. 87, An Act providing that Senators be members of the County Convention, to the committee on Municipal and County Government.

Reports of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills to whom was referred House Bill No. 172, An Act relative to the use of outboard motors and power boats by fish and game department personnel, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the use of outboard motors and power boats by state employees and the registration of state owned power boats and outboard motors.

Amend section 1-a of said bill by striking out the first two lines and inserting in place thereof the following:

2 *Exemption from Registration Fee.* Amend RSA 270:5 by inserting at the end of said section the following new paragraph:

Further amend said bill by renumbering the section now numbered 2 to read section 3.

On motion of Mr. Bisbee of Derry the House concurred in the amendment by the Engrossed Bills Committee.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds.

House Bill No. 64, An Act relative to the practice of professional engineering.

House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest.

House Bill No. 80, An Act relative to the salaries of the Justices of the Somersworth Municipal Court and the Municipal Court of Goffstown.

House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds.

House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of nonresident.

House Bill No. 138, An Act relative to birth registration cards, fees for vital statistics records, and for correction of vital records.

House Bill No. 176, An Act relating to limit of accumulation of The Boys' and Girls' Benefit Fund.

House Bill No. 182, An Act relative to the sale of the Concord Armory.

House Bill No. 194, An Act relative to personnel at the state department of health laboratory.

House Joint Resolution No. 37, Joint Resolution providing for an audit of the department of public works and highways.

Senate Bill No. 55, An Act relative to redevelopment of so-called disaster areas, and for general planning activities.

House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse.

House Bill No. 40, An Act relative to serving milk for drinking from bulk containers.

House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration.

House Bill No. 245, An Act relative to license fees for per-

sons operating vehicles used in the business of buying and selling live poultry.

Senate Bill No. 54, An Act authorizing rehabilitation work in re-development projects.

Resolutions

Mr. Monahan of Hanover offered the following concurrent resolution:

Whereas, the National Book Committee and the American Library Association is sponsoring **National Library Week** for the second consecutive year, this year during the week of April 12-18, and

Whereas, the success of National Library Week in 1958 in drawing attention to the great part books and libraries play in molding and sustaining the American character is well known, and

Whereas, an insufficient number of Americans are aware of the opportunities offered to them by books and libraries and are also unaware of their obligation to maintain and improve statewide library service, and *whereas* all the states of the union are concentrating upon the observance of **National Library Week** this year, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened, That the people of the State of New Hampshire be asked to give their support to the activities of **National Library Week** by way of increasing public awareness of the essential part played by books and reading in the social, intellectual, spiritual and economic life of this nation.

On a *viva voce* vote the concurrent resolutions were adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 314, An Act relative to the effective date of federal-state old age and survivors insurance agreements.

House Bill No. 255, An Act to extend the season for taking raccoons.

House Bill No. 165, An Act establishing a **franchise tax** on gas and electric utilities.

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the general court, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Senate Bill No. 64, An Act relative to elected special police officers, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Gordon of Jaffrey the House adjourned at 4:24 o'clock.

WEDNESDAY, APRIL 8, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, we invoke Thy blessing on two year old Stephen Davis who graces our rostrum this morning, and we offer our deepest thanks for the hope and promise of all two year olds.

O Thou who dost order the flight of the planets and dost govern the hours of darkness and light, govern Thou us, that our thoughts, our words and our deeds may express the abilities and strengths which we have been granted. Teach us the meaning of self-government that in the prudent exercise of our own resources we may experience the joys of wisdom and understanding. Let Thy gifts be indicated in the warmth and selflessness of daily relationships, that having learned to govern their own ways those here united in prayer may have the privilege of sharing with insightfulness in the government of our State. Amen.

Pledge of Allegiance to the Flag

Mr. Walsh of Manchester led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Special Guests

The Speaker introduced to the Joint Convention Mr. and Mrs. Chester Davis of Concord and their son, Stephen Chester Davis with the following remarks:

We offer a special treat this morning. We do so because it is a very special occasion for Rep. Philip Thayer Stonemetz of Dover, Andy our reporter friend and former House member, along with myself.

For this is April 8, one of the best birthdays in the world. We three first saw the light on this anniversary, some years back, in our respective fashions.

Two years ago Andy dreamed up the idea of a special April 8 celebration. So we decided to "adopt" the first April 8 baby ever born in the new Concord Hospital.

Andy sweat out his project over long and suffering hours. For a time he almost felt forsaken. But at 9 that night Andy and his scheme bore fruit.

So to celebrate, our late fellow member, Harold B. Haggett of Belmont, another April 8er, joined with us in starting a little bank account for the baby. Others latched onto the deal, sending the account to \$76. Today we April 8ers chipped a mite more to help it grow.

So we offer as guest of honor little April 8er Stephen Chester Davis. He is with his parents, Mr. and Mrs. Chester Davis of Loudon Road, Concord. And his dad took time off from his work at the Humphreys Refrigeration Company to see Stephen make his first legislative appearance.

House

Introduction of Guests

The Chair welcomed a delegation from the Young Republican Club at Dartmouth College, sponsored by Mr. Monahan of Hanover.

Introduction of Bills

The following bills and House Joint Resolution were severally introduced, read a first and second time and referred as follows:

By Mr. Chandler of Bartlett, House Bill No. 410, An Act relative to the power of the director of fish and game to make rules and regulations. To the Committee on Fish and Game.

By Mr. Hart of Manchester, House Bill No. 411, An Act relative to additional assistant superintendent and a helping teacher in the city of Manchester. To the Committee on Education.

By Mr. Tobin of Manchester, House Joint Resolution No. 44, Joint Resolution establishing a committee to investigate certain union activities. To the Committee on Labor.

Report of Standing Committees

Mr. Henry of Concord, for the Joint Committee on Judiciary and Aviation, to whom was referred House Bill No. 72, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures, having considered the same, reported the same in new draft with the recommendation that the bill be re-committed to the joint committee on Judiciary and Aviation.

On a *viva voce* vote the resolution was adopted.

Introduction of a Bill

House Bill No. 72, in new draft, was introduced, read a first and second time and referred to a Joint Committee consisting of the Judiciary Committee and the Aviation Committee.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 44, An Act relative to the probate of wills, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 217, An Act relative to neglected and delinquent children, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 216, An Act requiring affidavits to be filed before names are added to a check-list,

having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Peaslee of Merrimack, for the Committee on Municipal and County Government, to whom was referred House Bill No. 388, An Act legalizing the school district meeting held in Farmington on March 18, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Belanger of Manchester, for the Committee on Transportation, to whom was referred House Bill No. 253, An Act relative to re-examination of motor vehicle operators in certain cases, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Lacasse of Berlin, Mr. Terry of Westmoreland explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Draper of Wilton, for the Committee on Transportation, to whom was referred House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting in the fourth line after the word "highway" the words, except when accompanied by parent or legal guardian; further amend said section by striking out the word "shall" in the fifth line and inserting in place thereof the word, may, so that said section as amended shall read as follows:

1 *Minors Operating Motor Vehicles.* Amend RSA 262 by inserting after section 40 the following new section:

262:40-a *Transporting Alcoholic Beverages*. Any person under the age of twenty-one years operating a motor vehicle upon the public highway except when accompanied by parent or legal guardian and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended for a period of not more than thirty days. The determination of the commissioner of motor vehicles as to violation of the provisions of this section shall be final. The words "liquor" and "beverage" as used in this section shall have the same meaning as defined in RSA 175:1.

The Clerk read the amendment in full.

At the request of Mr. Deans of Milford, Mr. Terry of Westmoreland explained the bill.

(discussion ensued)

Mr. Deans of Milford moved that House Bill No. 273 be referred to the Committee on Judiciary and spoke in favor of the motion.

Mr. Chandler of Bartlett spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Qualified

Mr. Mannion of Concord, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House and was introduced by the Speaker.

Senate Message

The Senate Message announced that the Senate has passed a concurrent resolution with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Concurrent Resolution

memorializing Congress to call a convention to propose a constitutional amendment to prohibit the states from levying taxes upon the incomes of non-residents.

Whereas, several states levy an income tax at the source which is enforced against the incomes of non-residents derived from employment in said states, and

Whereas, residents of other states are employed in states having such taxes and are being subjected to such tax, and

Whereas, it is highly unjust, inequitable and discriminatory that such non-residents be compelled to contribute through said tax to the support of the government of states in which they have no voice, and from which they receive little benefit, the same being a clear case of taxation without representation and contrary to all the principles upon which the American system of government is founded, now therefore be it

Resolved by the Senate with the House of Representatives concurring, That the General Court of The State of New Hampshire, being the Legislature of said State, hereby makes application that the Congress, acting in conformity with Article V of the Constitution of the United States, call a Convention for proposing amendments to said Constitution; and particularly for proposing an amendment in substantially the following form:

“No State shall make or enforce any law to lay or collect any tax on the income derived from wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, of any natural person who is not a resident of that State,” and be it further

Resolved, That the Secretary of State transmit a copy of this Concurrent Resolution to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and two copies to the Secretary of State of each of the states of the Union with a request that he lay one of such copies before each branch of the legislature of his State, and that he further transmit copies hereof to the members of the New Hampshire delegation in Congress.

On a *viva voce* vote the concurrent resolutions were adopted.

Mrs. Goodwin of Hollis introduced the following resolutions:

Whereas, this year of our Lord, One Thousand Nine Hundred and Fifty-nine is the 350th Anniversary of the founding of Bermuda, and

Whereas, New Hampshire has had close and pleasant relationships with her Majesty's Crown Colony, and

Whereas, Both New Hampshire and Bermuda are well known for their scenic splendor and pleasure resorts, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court assembled in our State Capitol, Concord, extend our heartiest congratulations to Bermuda on its anniversary and our best wishes for continued prosperity and harmony with our country, and be it further.

Resolved, That a copy of these resolutions be transmitted from this House of Representatives by its Emissary, Alexander M. Taft, Representative from Greenville, to Bermuda.

On a *viva voce* vote the resolutions were adopted.

Messrs. Gilman of Farmington and King of Manchester introduced the following resolutions:

Whereas, Today, April 8, 1959, is the Birthday of Stewart Lamprey, Representative from Moultonborough, and

Whereas, Representative Lamprey is the Speaker of this House of Representatives of the New Hampshire General Court, and

Whereas, In all his dealings he has been most fair, considerate and courteous not only with Legislators and Attaches but visitors and all with whom he comes in contact, therefore be it

Resolved, That we, the members of this House extend our very best wishes for a Happy Birthday to our Fellow Member, the Speaker, not only for today but for many years to come, and be it further

Resolved, That a copy of these resolutions be presented to Speaker Lamprey, and that the House today adjourn in his honor.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Geisel of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a resolution not previously considered by the Rules Committee, and spoke in favor of the motion.

The Clerk read the resolution in full.

At the request of Mr. Pillsbury of Manchester, Mr. Dutton of Peterborough explained the resolution.

(discussion ensued)

Mr. Sanborn of Hampton Falls spoke against the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Sanborn of Hampton Falls withdrew his objection to the motion and spoke in favor.

Mr. Geisel of Manchester spoke a second time in favor of the motion.

On a *viva voce* vote the motion was adopted.

Introduction of a Resolution

The following resolution was introduced, read a first and second time, laid on the table for printing and referred to the Joint Committee on Banks and Judiciary under the rules.

Whereas House Bill No. 272, An Act relating to bank holding companies, is now pending in the House of Representatives, and

Whereas questions have been raised concerning the constitutionality of the provisions of said bill;

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

Do the provisions of House Bill No. 272, An Act relating to bank holding companies, violate the Constitution of The State of New Hampshire? further,

Resolved, That the Speaker of the House of Representatives transmit to the Supreme Court forthwith six copies of said House bill.

Mr. Pickett of Keene rose on a point of information.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following Senate bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 44, An Act relative to the probate of wills.

Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank.

The following House bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 388, An Act legalizing the school district meeting held in Farmington on March 18, 1959.

House Bill No. 253, An Act relative to re-examination of motor vehicle operators in certain cases.

On motion of Miss Faulkner of Keene the House adjourned at 12:00 o'clock.

THURSDAY, APRIL 9, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Creator God, Maker of the world, we give Thee thanks that Thou hast molded such great beauty into our Granite State. The blue depths of our lakes harmonizing with the heavens, the towering peaks challenging our people to lift up their eyes, the lush valleys of farmland and industry, our beautiful coastline abounding with the life of the sea — for this which is our fair State by which we are all blessed we are humbly grateful.

May the beauty, the strength and the nobility of character of New Hampshire be reflected in the hearts and minds of her people. Amen.

Pledge of Allegiance to the Flag

Mr. Burrill of Littleton led the Convention in the Pledge of Allegiance to the Flag.

The Chair introduced Honorable Fred L. Pardee of Little Rock, Arkansas to the Joint Convention. Mr. Pardee is the Sovereign Grand Master of Odd Fellows, and addressed the Joint Convention briefly.

House

Introduction of Guests

The Chair introduced, as guests of the House, the sixth grade pupils of the Dame School in Concord, accompanied by Mrs. Hyde and Miss Brackett, courtesy of Mrs. Chase of Concord and the Concord Delegation.

Leave of Absence

Mr. Peever of Salem was granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills were introduced, read a first and second time, laid on the table for printing and referred as follows:

By Committee on Rules, (Mr. Bigelow of Warner) House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for the fish and game department. To the Committee on Fish and Game.

By Mr. Edwards of Antrim, House Bill No. 413, An Act providing for the acquisition of the so-called Island at Nubanusit Lake. To the Committee on Resources, Recreation and Development.

By Mrs. DeLude of Unity, and Mr. Pillsbury of Manchester, House Bill No. 414, An Act continuing the work of the economic growth survey committee. To the Committee on Executive Departments and Administration.

By Mr. Pickett of Keene, House Bill No. 415, An Act relative to hours for sale of liquor in restaurants. To the Committee on Liquor Laws.

By Mrs. Herrick of Deering, House Bill No. 416, An Act relative to reimbursement of the town of Deering for loss of taxes. To the Committee on Municipal and County Government.

By Mrs. Ayre of Laconia, Mr. Varrell of Laconia and Mr. Karagianis of Laconia, House Bill No. 417, An Act to change the ward lines in the city of Laconia. To the Laconia Delegation.

By Mr. Crosby of Hillsborough, House Bill No. 418, An Act relative to powers of Hillsborough county commissioners. To the Committee on Municipal and County Government.

Reports of Standing Committees

Mr. Turner of Gilsum, for the Committee on Municipal and County Government to whom was referred House Bill No. 189, An Act relative to municipal budget law, having considered the same, reported the same with the following amend-

ment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Municipal Budget Law.* Amend RSA 32:5 by striking out said section and inserting in place thereof the following: 32:5 *Preparation of Budget.* It shall be the duty of the budget committee to prepare budgets according to forms prescribed by the tax commission for town expenditures, village district expenditures, and school expenditures and for this purpose to hold at least one public hearing on each budget, notice of which shall be given at least seven days in advance. In the preparation of the budgets the budget committee shall consult the selectmen, school board, village district commissioners, and other officers and departments as to the costs of government, revenue anticipated, and services performed, and it shall be the duty of any town, school or village district officer or employee to furnish information required by said committee. It shall also be the duty of all boards of selectmen, of school boards and of village district commissioners to prepare and submit to the budget committee of the town an itemized statement of expected receipts and expenditures for the ensuing year at such time as said budget committee shall fix. When completed the budget of the town shall be printed in the town report, or separately; the budget of the school in the school report, or separately; the budget of the village district in the village district report, or separately; and each shall be distributed or published in some newspaper printed or circulated in said town at least nine days before the town, school or village district meeting. If any town, having adopted the provisions hereof, shall fail to elect or appoint a budget committee, the selectmen shall perform the duties of said committee.

Further amend the bill by inserting after section 3 a new section as follows:

4 *Correction of Error.* Amend RSA 32:13 (supp) as amended by 1957, 131:2 by striking out the figure "12" in the fifth line and inserting in place thereof the figure, 10, so that said section as amended shall read as follows: 32:13 *Initiation of Removal Proceedings.* Upon receipt of the reports provided for by RSA 32:12, the budget committee shall

examine the same promptly, and if it shall be found that the selectmen, town manager, school board or village district commissioners have failed to comply with the provisions of section 10 of this chapter a majority of said committee, at the expense of the town, may petition the superior court for removal as provided in section 11 of this chapter.

Further amend the bill by renumbering section 4 to read section 5.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the reading of the amendment of House Bill 189 and explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Hunter of Hampton, for the Committee on Resources, Recreation and Development to whom was referred House Joint Resolution No. 28, A Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua river, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

The report was accepted and House Joint Resolution No. 28 was referred to the Committee on Appropriations under the rules.

Mr. Hunter of Hampton, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 280, An Act relative to fines for overtime parking at state owned parking areas at Hampton Beach, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Urie of New Hampton, for the Committee on Recreation, Resources and Development, to whom was referred House Bill No. 66, An Act relative to water pollution classification, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Coutermarsh of Lebanon, for the Committee on Transportation to whom was referred House Bill No. 296, An Act

relative to definition of semi-trailer under motor vehicle laws, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. MacIsaac of Laconia, for the Committee on Insurance to whom was referred House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mt. Sunapee aerial tramways, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Insurance to whom was referred House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mt. Sunapee aerial tramway, having considered the same, and being unable to agree with the majority reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

EDGAR G. VARNEY,
KATHERINE JOHNSON,
RICHARD BRADLEY,

The reports were accepted.

Mr. Varney of Rochester moved that the report of the minority "Inexpedient to Legislate" be substituted for the report of the majority "Ought to Pass" and spoke in favor of the motion.

(discussion ensued)

Mr. Bradley of Thornton spoke in favor of the motion.

Mr. Goode of Manchester spoke against the motion.

(discussion ensued)

Mr. Willey of Campton moved that further consideration of House Bill No. 235 be indefinitely postponed and spoke in favor of the motion.

Mrs. Davis of Woodstock and Messrs. Branch of Goffstown and Hancock of Concord spoke in favor of the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the motion.

Mrs. Atwood spoke against the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth and Messrs. Pickett of Keene and Oliver of Marlborough spoke in favor of the motion.

Mrs. Frizzell of Charlestown spoke against the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

The question is, shall the main question now be put?

On a *viva voce* vote the motion prevailed.

The question now before the House is on the motion to indefinitely postpone House Bill No. 235.

On a *viva voce* vote the motion did not prevail.

Mr. Varney of Rochester requested a division.

A division being had and 159 members having voted in the affirmative and 183 members having voted in the negative the motion to indefinitely postpone did not prevail.

Mr. Bradley of Thornton demanded the Yeas and Nays.

Yeas, 153

GRAFTON COUNTY: Stevenson, Willey, Graham of Canaan, Sanborn of Enfield, Hayward of Hanover, Clement of Landaff, Beard, Coutermarsh, Guay of Lebanon, Whipple, McGee, Collyer, Johnson of Monroe, Cushman, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Brungot, Bouchard, Gagnon, Oakes, Crockett, Kimball of Jefferson, Stinson, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Batchelder, Bisbee, Clark, Blair, Collishaw, Jones, Spollett of Hampstead, Sheehy, LaBranche, Twardus, Cheney, Carter, Palmer of Plaistow, Dondero, Wardwell, White of Portsmouth, Ward 4, Roulston, Gordon of Sandown, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Desjardins, Calcutt, Richardson, Flanagan, Chase of Durham, Rolfe, Maxfield, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of of Rochester, Varney, Boisvert of Rollinsford, Cormier, Malley.

BELKNAP COUNTY: McAllister, Harkins, Normandin, Karagianis, Varrell, Pickering of Meredith.

CARROLL COUNTY: Stokes, Blanchard, Nickerson of Madison, Nickerson of Tamworth, Duchano.

MERRIMACK COUNTY: Guilbeault, Phelps, Moore, La-Flamme, Dowd, Hancock, Woodman, Lessels, Robinson of Concord, Saltmarsh, Carr, Lafond of Hooksett, Mulaire.

HILLSBOROUGH COUNTY: Bragdon, Herrick, Vadney, Branch, Crosby, Goodwin, Danforth, Pillsbury, Martel of Manchester, Ward 3, Cullity, Nolan, Burke, Healy of Manchester, Ward 5, Manning, Walsh, Armstrong of Manchester, Ecker, Healy of Manchester, Ward 6, O'Connor, LaFrance, Tessier, Champagne, Compagna, Delisle, Pellissier, Cary, Hurley, Noel, Rousseau, Thibault of Nashua, Belcourt, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Bissonette, Bouley, Latour, Sablusi, Bouthillier, Thompson of New Ipswich, Eastman of Weare.

CHESHIRE COUNTY: Washburn, Turner, Terrill, Brown of Keene, Miskelly, Pickett, Oliver, Forbes, Congdon, Ballam.

SULLIVAN COUNTY: Bradbury, Gaffney, Russell, Desnoyer, Bailey, Brown of Newport, Downing, Philbrick of Springfield,

Nays, 211

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Plumer, Bradley of Hanover, Monahan, Neale, Larty, McMeekin, Chamberlain of Holderness, Porter, Armstrong of Littleton, Burrill, Kelley, Birch, Haskins, Kinghorn, Bell.

COOS COUNTY: Sheridan, Christiansen, LaCasse of Berlin, Marsh, Emerson, Graham of Gorham, Bragg, Swett, Potter, Bushey, Styles, Converse, Emery, Baker.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Gay of Derry, Kimball of Derry, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Jenkins, Keefe, Foote, Wood, Dame, Blaisdell, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross, Langford, Felch, Barker.

STRAFFORD COUNTY: Blanchette, Wiggin of Dover, Grimes, Dunnington, Stonemetz, Colbath, Bevan, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Watson of Rochester, Maloomian, Habel, Vincent, Brown of Strafford.

BELKNAP COUNTY: Rollins, Watson of Belmont, Lord, Hart of Laconia, Lacaille, Ayre of Laconia, Prescott of Laconia, Burbank, O'Shan, MacIsaac, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Dufferfer, Brown of Sandwich, Hodgdon, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Hanson, Bates, Davis of Concord, Henry, Mannion, O'Neil of Concord, Peaslee of Concord, Cilley, Gove, Maxham, Newell, Chase of Concord, Rufo, Boomhower, Gilman of Franklin, Thompson of Franklin, Leonard, Carpenter, Perry, London, Burleigh, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, McGrath, Hunt, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Edwards, Wiggin of Bedford, Aucella, Farwell, Hambleton, Nickerson of Goffstown, Poore, Taft, Daneault, Gallagher, Gamache, Legalle, Ainley, Green, Lang, Pettigrew, Geisel, Goode, Kimball of Manchester, Hart of Manchester, Sullivan, Tobin, Betley, Casey, LeClerc, Morris, Belanger, Bergeron, Kearns, King, Martel of Manchester, Ward 12, Maston, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Crowley, Vachon, Peaslee of Merrimack, Falconer, Hayward of Milford, Cooper, Saunders, Underhill, Pappagianis, Chartrain, Ryan, Grandmaison, Locke, Hodgman, Dutton, Draper.

CHESHIRE COUNTY: O'Neil of Chesterfield, Gowing, Pike, Stearns, Gordon of Jaffrey, McCullough, Wheeler, Bennett, Faulkner, Kretowicz, Allen, Bouvier, Hackler, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Nahil, Phillips, Burrows, D'Amante, Davis of Cornish, Marx, Wirkkala, Rowell, Spalding, Merrifield, DeLude.

And the motion to indefinitely postpone did not prevail. The question now being on the motion to substitute the minority report "Inexpedient to Legislate" for the majority report "Ought to Pass."

On a *viva voce* vote the motion did not prevail.

The question now being on the resolution of the committee "Ought to Pass."

On a *viva voce* vote the resolution was adopted and the bill ordered to a third reading.

Resolutions

Mrs. Brown of Sandwich offered the following resolutions:

Whereas a substantial number of public school teachers were retired from public service under chapter 136, Revised Laws, and prior to the integration of the teachers' retirement system with the Federal Social Security System; and

Whereas the retirement allowances paid to such teachers, especially to those retired under chapter 136, Revised Laws, are in many cases inadequate to meet the costs of living and in some cases have been so inadequate as to reduce the beneficiaries to extreme poverty and hardship; and

Whereas House Bills Nos. 352 and 353 have been introduced and are now pending, the purpose of which is to relieve such hardships; and

Whereas questions have been raised concerning the constitutionality of these bills; now, therefore, be it

Resolved by the House of Representatives that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of Law:

1. Would the benefits of such legislation be considered as "pensions" within the meaning of Article 36, Part I of the Constitution, or, in the alternative, as additional compensation for services rendered so as not to fall within the restrictions on "pensions"?

2. If each bill is construed to provide "a pension," do either of said bills violate the Constitution, in view of the fact that each bill provides benefits for only one year at a time?

3. Since Article 36, Part I, was adopted under a Constitution which provided for annual sessions of the legislature, when the Constitution was amended to provide for biennial sessions, did such amendment, by implication allow the legislature to provide for two-year pensions at a time:

4. If the legislature can only provide for payment of such benefits over a one-year period at each biennial session, can the size of the payments for one year be increased so as to be sufficient to provide practical relief for the entire biennium:

5. Is the language of Article 36, Part I, providing that

pensions "ought" never to be granted for more than one year at a time mandatory or merely advisory?

6 Does either of said bills appear to violate any other provision of the Constitution?

Further Resolved, That the Speaker transmit to the Clerk of the Supreme Court six copies of this resolution and of each of said bills for consideration by the Justices of the Supreme Court.

Mr. Pillsbury of Manchester explained the resolutions.

On a *viva voce* vote the resolutions were adopted.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 238, An Act authorizing the Director of Purchase and Property to purchase in advance of requisition.

House Bill No. 356, An Act providing for an additional appropriation for expenses of the legislature.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the adoption of an amendment to the following entitled bill sent up from the House of Representatives:

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the general court.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 172, An Act relative to the use of outboard motors and power boats by state employees and the registration of state owned power boats and outboard motors.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 52, An Act to authorize participating loans by building and loan associations and cooperative banks.

Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority.

Senate Bill No. 102, An Act relative to a referendum concerning a salary schedule for personnel employed in the Manchester fire department.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 52, An Act to authorize participating loans by building and loan associations and cooperative banks, to the Committee on Banks.

Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority, to the Committee on Insurance.

Senate Bill No. 102, An Act relative to a referendum concerning a salary schedule for personnel employed in the Manchester fire department, to the Manchester Delegation.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House bills:

House Bill No. 172, An Act relative to the use of outboard motors and power boats by state employees and the registration of state owned power boats and outboard motors.

House Bill No. 356, An Act providing for an additional appropriation for expenses of the legislature.

Resolutions

Mr. Porter of Lebanon introduced the following resolutions:

Whereas, we have learned with sorrow of the passing of Otis W. Jordan of Plainfield, and

Whereas, Mr. Jordan was a former Representative from that town, therefore be it

Resolved, That, we, the members of this House of Representatives, do hereby extend our sympathy to the family in its bereavement, and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk to his family.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today is the birthday of Mr. Green of Manchester and that last Saturday, April 4th, was the 62nd wedding anniversary of Mr. and Mrs. Guy Wiggin of Dover.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 189, An Act relative to municipal budget law.

House Bill No. 280, An Act relative to fines for over-time parking at state owned parking areas at Hampton Beach.

House Bill No. 66, An Act relative to water pollution classification.

House Bill No. 296, An Act relative to definition of semi-trailer under motor vehicle laws.

Mr. Pickett of Keene moved that House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mt. Sunapee Aerial tramways, be laid on the table.

On a *viva voce* vote the motion did not prevail.

Mr. Pickett of Keene requested a division vote.

A division being had and 98 members having voted in the affirmative and 235 members having voted in the negative the motion to lay House Bill No. 235 on the table did not prevail.

Mr. Pickett of Keene raised the question of a quorum.

The Speaker declared that, 333 members having voted on the previous question a quorum was present.

House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mt. Sunapee aerial tramways, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Frizzell of Charlestown the House adjourned at 1:35 o'clock.

TUESDAY, APRIL 14, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend David Carmen of the Piermont Congregational church in Piermont.

Eternal God, Thou who art the Author and Finisher of this world and hast called it good; but who created men in Thy image that they might read Thy creation and discover and share that Thou didst so love that Thou gave us the Master. We — Thy children — would always sing to Thee of this land of ours. But of Thy Love — for it and for men — we would posture our lives and would praise Thee here in this place by the things which we see and uphold, the causes we choose and espouse and the patterns we form and maintain. Help us ever so to do. In the Name of Christ. Amen.

Pledge of Allegiance to the Flag

Mrs. Kinghorn of Piermont led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

The Senior Class of the Exeter High School in charge of Mr. Otis, guests of the Exeter Delegation.

The four upper grades of Wilmot Elementary School in charge of Mrs. Doris Langley as guests of Mr. Thompson of Wilmot.

Seniors from Holy Rosary High School of Rochester in charge of Reverend Roland Fancrede, guests of Mrs. St. Pierre of Rochester.

The fifth and sixth grades of Newcastle elementary school. guests of Mr. Jenkins of New Castle.

The fifth and sixth grades of the Maud Trefethen School of New Castle in charge of Florence Thompson, Principal, as guests of Senator Humphreys.

Leaves of Absence

Messrs. Smith of Exeter and Charland of Franklin were granted leave of absence for the week on account of illness.

Mr. Urie of New Hampton was granted leave of absence for the week on account of important business.

Messrs. Pinkham of Northwood and Hodgman of Salem were granted leave of absence for today and tomorrow on account of important business.

Mrs. Roulston of Salem and Mr. Burbank of Laconia were granted leave of absence for the day on account of illness.

Mrs. Ayre of Laconia and Messrs. Marx of Langdon and LeClair of Manchester were granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Sanborn of Hampton Falls, House Bill No. 419, An Act relative to cooperative school districts. To the Committee on Education.

By Mr. Claflin of Wolfeboro, House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro. To the Committee on Municipal and County Government.

By Mr. Twardus of Newmarket, House Bill No. 421, An Act relative to the use of seines and weirs in taking salt water smelt. To the Committee on Fish and Game.

By Mr. Deans of Milford, House Bill No. 422, An Act for emergency location of state and municipal government. To the Committee on Executive Departments and Administration.

On motion of Mr. Claflin of Wolfeboro the rules of the House were so far suspended as to dispense with the printing and reference to committee on House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro, and to permit action on the bill at the present time.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit third reading and final passage of House Bill No. 420 by title only at the present time.

Third Reading

House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Kearns of Manchester moved that the order whereby House Bill No. 418, An Act relative to powers of Hillsborough county commissioners, was referred to the Municipal and County Government committee, be vacated and the bill referred to the committee consisting of the members of the Hillsborough Delegation.

In answer to a question from Mr. Pillsbury of Manchester, Mr. Kearns explained his motion.

On a *viva voce* vote the motion was adopted.

Committee Reports

Mr. Kretowicz of Keene, for the Committee on Ways and Means, to whom was referred House Bill No. 278, An Act to provide revenue for cities and towns, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 278, An Act to provide revenue for cities and towns, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

H. L. JONES,
J. F. MALLEY,
L. A. BEVAN,
H. HASKINS,
MRS. ANN GORDON,
For the Committee.

The reports were accepted.

Mr. Malley of Somersworth moved that the words "Ought to Pass" be substituted for the words "Inexpedient to legislate" and spoke in favor of the motion.

Mr. Kearns of Manchester moved that further consideration of House Bill No. 278 be indefinitely postponed.

Mr. Bradley of Hanover spoke against the motion.

Mr. Kearns of Manchester rose on a point of personal privilege.

Mr. Chandler of Bartlett spoke in favor of the motion.

(discussion ensued)

Mr. Bevan of Durham spoke against the motion.

Mr. Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

Mr. King of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

Mr. Noel of Manchester demanded the Yeas and Nays.

Yeas, 302

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Aucella, Farwell, Herrick, Vadney, Hambleton, Poore, Taft, Pickering of Hancock, Crosby, Goodwin, Daneault, Gallagher, Gamache, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Geisel, Goode, Kimball of Manchester, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Healy of Manchester, Ward 6, O'Connor, LaFrance, Tessier, Champagne, Compagna, Delisle, Pelissier, Cary, Morris, Kearns, King, Hurley, Noel, Maston, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cooper, Saunders, Underhill, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Sabluski, Bouthillier, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Gowing, Pike, Turner, Stearns, Keating, Terrill, McCullough, Wheeler, Bennett, Brown of Keene, Kretowicz, Forbes, Allen, Hackler, Congdon, Ballam, Frost, Sawyer.

SULLIVAN COUNTY: Bradbury, Gaffney, Angus, Nahil, Phillips, Burrows, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Rowell, Spalding, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Larty, McMeekin, Chamberlain of Holderness, Beard, Coutermarsh, Guay of Lebanon, Porter, Whipple, McGee, Collyer, Burrill, Kelley, Birch, Cushman, Kinghorn, Bell, Loizeaux, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Sheridan, Brungot, Christiansen, Bouchard, Gagnon, LaCasse of Berlin, Marsh, Oakes, Emerson, Crockett, Kimball of Jefferson, Bragg, Swett, Potter, Bushey, Styles, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Bisbee, Clark, Gay of Derry, Kimball of Derry, Eastman of Exeter, Spollett of Hampstead, Hunter, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Jenkins, Sheehy, LaBranch, Twardus, Cheney, Carter, Palmer of Plaistow, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross, Langford, Peever, Gordon of Sandown, Felch, Barkeer, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Desjardins, Grimes, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Gilman of Farmington, Reid, Moulton, Rolfe, Hartigan, Maxfield, Lacasse of Rochester, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent.

BELKNAP COUNTY: McAllister, Watson of Belmont, Hart of Laconia, Lacaillade, Normandin, Prescott of Laconia, O'Shan, MacIsaac, Varrell, Pickering of Meredith, Smith of Meredith, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Duchano, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, LaFlamme, Dowd, Davis of Concord, Henry, Lessels, O'Neil of Concord, Saltmarsh, Cilley, Maxham, Chase of Concord, Comi,

Rufo, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Leonard, Carpenter, Lafond of Hooksett, Mulaire, Perry, London, Burleigh, Plourde, Thibeault of Pembroke, McGrath, Bigelow, Stone, Thompson of Wilmot.

Nays, 49

HILLSBOROUGH COUNTY: Pillsbury, Hart of Manchester, Cole, Pappagianis, Locke.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Gordon of Jaffrey, Haley, Faulkner, Oliver, Terry.

SULLIVAN COUNTY: Frizzell, Philbrick of Springfield.

GRAFTON COUNTY: Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Haskins, Johnson of Munroe, Barney.

COOS COUNTY: Graham of Gorham.

ROCKINGHAM COUNTY: Griffin of Auburn, Blair, Merrill, Jones, Weeks.

STRAFFORD COUNTY: Bevan, Chase of Durham, Littlehale, Drew, Randall, Watson of Rochester, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, Lord, Harkins, Karagianis, Atwood.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Bates, Hancock, Woodman, Robinson of Concord, Mannion, Gove, Newell, Ayer of Pittsfield, Hunt.

And the motion to indefinitely postpone prevailed.

Messrs. Pickett of Keene, Ecker of Manchester and Edson of Lebanon desired to be recorded as being in favor of the motion to indefinitely postpone.

Mr. Davis of Cornish, for the Committee on Agriculture, to whom was referred House Bill No. 350, An Act relative to display of flowers and plants in food stores, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred House Bill No. 240, An Act relating to checking accounts of minors, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Felch of Seabrook, for the Committee on Fish and Game, to whom was referred House Bill No. 99, An Act relative to porcupines, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "on the fish and game funds" and inserting in place thereof the words, upon general funds and they shall not lapse but be a continuing appropriation, so that said section as amended shall read as follows:

2 *Appropriations.* There are hereby appropriated the sum of six thousand dollars for the fiscal year ending June 30, 1960 and a like sum for the fiscal year ending June 30, 1961 for the purpose of making reimbursement to selectmen and city clerks for porcupine bounties as provided in RSA 470:4. The sums hereby appropriated shall be a charge upon general funds and they shall not lapse but be a continuing appropriation.

The Clerk read the amendment in full.

Mr. Monahan of Hanover spoke in favor of the amendment.

(discussion ensued)

Mr. Plumer of Bristol moved that House Bill No. 99 be indefinitely postponed and spoke in favor of the motion.

Mr. Bisbee of Derry spoke against the motion.

(discussion ensued)

Messrs. Watson of Belmont, Oakes of Columbia, Terrill of Keene, Chandler of Bartlett and Pickett of Keene spoke against the motion.

(discussion ensued)

The question now being on the motion to indefinitely postpone House Bill No. 99.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote the amendment was adopted and the bill was referred to the Committee on Appropriations under the rules.

The Chair presented W. Douglas Scamman of Stratham, former Speaker of the House.

The Chair declared a forty-five minute recess.

Recess

After Recess

Mr Drew of Farmington, for the Committee on Fish and Game to whom was referred House Bill No. 133, An Act relating to authority of the fish and game director to control porcupines, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Monahan of Hanover moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Bisbee of Derry spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail and the resolution of the committee was adopted.

Mr. Philbrick of Springfield, for the Committee on Fish and Game to whom was referred House Bill No. 195, An Act relative to searches for lost persons and drowning victims by the fish and game department, having considered the same, reported the same with the recommendation that the bill ought to pass and the bill was sent to the Appropriations Committee under the rules.

Mr. Perry of Newbury, for the Committee on Fish and Game to whom was referred House Bill No. 226, An Act establishing a minimum length for brook trout, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Maloomian of Somersworth, for the Committee on Insurance to whom was referred House Bill No. 105, An Act

relative to group insurance limits — model definition, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word “compensation” in the third and tenth lines the words, whichever is greater; and by striking out the word “forty” in the third and eleventh lines and inserting in place thereof the word, sixty, so that said section as amended shall read as follows:

1 *Limitation.* Amend RSA 408:15 (1) (d) (supp) as inserted by 1955, 79 by adding at the end thereof the following words, or one hundred fifty per cent of annual compensation, whichever is greater, but in no case more than sixty thousand dollars, so that said paragraph as amended shall read as follows: (d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policy or policies issued to the employer or to the trustees of a fund established in whole or in part by the employer exceeds twenty thousand dollars, or one hundred fifty per cent of annual compensation, whichever is greater, but in no case more than sixty thousand dollars.

Further amend said bill by inserting after section 1 the following new section:

2 *Amount.* Amend RSA 408:15 (5) by adding after paragraph (d) the following new paragraph: (e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the members of the association. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policy or policies issued to the association exceeds twenty thousand dollars or one hundred fifty per cent of annual compensation, whichever is greater, but in no case more than sixty thousand dollars.

Further amend said bill by renumbering section 2 to read section 3.

The Clerk read the amendment in full.

At the request of Mr. King of Manchester, Mr. Goode of Manchester explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Johnson of Monroe, for the Committee on Insurance, to whom was referred House Bill No. 270, An Act relating to group life insurance, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Latour of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 228, An Act relative to the valuation of life insurance policies, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend (e) of RSA 409:6 as inserted by section 4 of said bill by striking out said paragraph and inserting in place thereof the following:

(e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and non-forfeiture benefits required by this chapter, and no such additional benefits shall be required to be included in any paid-up non-forfeiture benefits.

Mr. Goode of Manchester moved that the reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Underhill of Nashua, for the Committee on Liquor Laws, to whom was referred House Bill No. 59, An Act relative to the sale of bottled alcoholic beverages, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Underhill of Nashua, for the Committee on Liquor Laws, to whom was referred House Bill No. 210, An Act

relative to the sale of bottled liquor, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass, and the House Joint Resolution was referred to the Committee on Appropriations under the rules.

Mr. Pickering of Hancock, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House and was introduced by the Speaker.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 98, An Act to amend the charter of Colebrook Guaranty Savings Bank relative to guaranty fund and property holding.

Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua.

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park.

Senate Bill No. 74, An Act relating to the administration of estates.

Senate Bill No. 103, An Act relative to institutional guardians.

Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain.

Senate Bill No. 117, An Act relative to suits against residents of the state for payment of income tax to another state.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time, and referred as follows:

Senate Bill No. 98, An Act to amend the charter of Cole-

brook Guaranty Savings Bank relative to guaranty fund and property holding, to the Committee on Banks.

Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua, to the Nashua Delegation.

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park, to the Committee on Resources, Recreation and Development.

Senate Bill No. 74, An Act relating to the administration of estates, to the Committee on Judiciary.

Senate Bill No. 103, An Act relative to institutional guardians, to the Committee on Judiciary.

Senate Bill No. 117, An Act relative to suits against residents of the state for payment of income tax to another state, to the Committee on Judiciary.

Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain, to the Committee on Resources, Recreation and Development.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 212. An Act relating to the competency of notaries.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills to whom was referred House Bill No. 85, An Act relative to a vacancy in the office of mayor of the city of Berlin, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to a vacancy in the office of mayor of the city of Berlin and changing the title of the city solicitor.

Amend section 2-a of said bill by striking out the same and inserting in place thereof the following:

3 *Change of Name.* The law enforcement officer in the city of Berlin shall hereafter be known as the city attorney. Such parts of the charter of the city of Berlin as may refer

to the city solicitor are hereby amended to refer to the city attorney.

Further amend said bill by renumbering section 3 to read section 4.

On motion of Mr. Fortier of Berlin the House concurred with the amendment.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills to whom was referred Senate Bill No. 64, An Act relative to elected special police officers, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to elected officials as special police officers.

On motion of Mr. Deans of Milford the House concurred in the amendment.

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 238, An Act authorizing the Director of Purchase and Property to purchase in advance of requisition.

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the General Court.

Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blank.

Concurrent Resolutions

Mr. Gilman of Farmington offered the following concurrent resolution:

Whereas, the New Hampshire General Court has learned with pride of the selection of Lt. Com. Allen B. Shepard of Derry as one of the members of the military team which will begin training for space flight, and

Whereas, Commander Shepard is a native of Derry, New Hampshire, and by volunteering for this mission is demonstrating high courage, honor and patriotism, therefore be it

Resolved, by the Senate and the House of Representatives in General Court convened: That we, the members of the New

Hampshire General Court do hereby extend our heartiest congratulations and good wishes to Commander Shepard upon his selection for this mission, and be it further

Resolved, That a copy of these resolutions be transmitted to Commander Shepard.

On a *viva voce* vote the concurrent resolution was adopted.

Resolutions

Mrs. Brown of Sandwich offered the following resolutions:

Whereas, Harry Blanchard, a former Representative from Sandwich, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby pay tribute to his services to his town and state and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to the widow, Mrs. Blanchard.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today is the birthday of Mr. Noel of Manchester.

Committee Appointments

Mr. DeGrace of Manchester, to the Committee on Aviation.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 240, An Act relating to checking accounts of minors.

House Bill No. 105, An Act relative to group life insurance limits — model definition.

House Bill No. 228, An Act relative to the valuation of life insurance policies.

On motion of Mrs. Phillips of Claremont the House adjourned at 2:12 o'clock.

WEDNESDAY, APRIL 15, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend George Booth, First Congregational Church of Exeter.

Almighty God, of whose righteous and loving will all things are, and were created; we give Thee praise and thanksgiving for all the joys of life, the warmth of love, the challenges of work in this Thy world.

O Thou who hast gathered our people into a great nation, and into our several states and communities; deepen the root of our common life in thine everlasting righteousness, we pray. Make us equal to our high trusts; reverent in the use of freedom; responsible in the exercise of power; generous in the protection of weakness. Give to our legislators insight and faithfulness, that they may see the right, that our laws may speak the right, and our judges justly interpret it. Let wisdom and knowledge grow in our land, and our deepest trust be in Thee, Lord of nations and King of kings.

Lord God, who dost rule over all thy created world; rule by Thy Holy Spirit in the hearts and minds of all men and women gathered here:

To those who seek Thy will in the daily decisions of this work and in the great decisions of life; reach out to them we pray in wisdom and love, assuring them that they are not alone, that to act in Thy name is great and good and that Thou dost follow them and sustain them.

To those who seek justice and the welfare of all, whether in Thy name or not; be to them a hidden pillar of support; a light, even when they see Thee not.

To those who seek no great values but live from day to day doing the best they know how; bring to them some holy unrest until they come to learn the joy and richness and power of trust and service as soldiers of Thine.

To those who seek nothing more than selfish ends; be Thou judge and redeemer, O Lord. Judge in Thy righteousness that which is wrong and evil. But redeem those who live in this way that they may find the power to rise above the selfishness which is death into the generosity of self which,

in trust and service to Thee through Jesus Christ is eternal life. In His name we raise our morning prayer. Amen.

Pledge of Allegiance to the Flag

Mr. Eastman of Exeter led the Convention in the Salute to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests:

The civics class of the ninth grade of the Hood Memorial Junior High School of Derry with their teachers, Mrs. Walsh and Mrs. Dimarzzo, sponsored by Mr. Kimball from Derry.

The senior class of Wilton High School with their teacher Mr. Grasso, guests of Mr. Draper of Wilton.

A group from The League of Women voters of New Hampshire as guests of Mrs. Lord of Gilford, Mrs. Neale of Hanover and Miss Loizeaux of Plymouth.

Leaves of Absence

Mr. Belanger of Manchester was granted leave of absence for two weeks on account of illness.

Messrs. Deans of Milford and Locke of New Boston were granted leaves of absence for the day on account of illness.

Mrs. Ayre of Laconia and Mr. Rolfe of Rochester were granted leaves of absence for the day on account of important business.

Introduction of Bills

The following House bills were severally introduced, read a first and second time, laid upon the table for printing and referred as follows:

By Mr. Beard of Lebanon, House Bill No. 423, An Act changing the administration of Lebanon from city government to town government. To the Committee on Municipal and County Government.

Mr. Coutermarsh of Lebanon moved that the order whereby House Bill No. 423 was referred to the Committee on Municipal and County Government, be vacated and the bill be referred to the Lebanon Delegation, and spoke in favor of the motion.

Mr. Beard of Lebanon spoke against the motion.

(discussion ensued)

Mr. Gilman of Farmington moved that House Bill No. 423 be laid upon the table and made a special order for 11:01 A. M. on Thursday, April 16th.

On a *viva voce* vote the motion was adopted.

By Mr. Deans of Milford and Mr. Blanchard of Jackson, House Bill No. 424, An Act relative to drinking in unlicensed public places. To the Committee on Liquor Laws.

By Mrs. Dondero of Portsmouth, House Bill No. 425, An Act to amend the charter of the city of Portsmouth. To the Portsmouth Delegation.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists.

Speaker's Ruling

It is the opinion of the Chair that Senate Bill No. 66 should not be read a first and second time because it is a direct violation of Article 18, Part II of the Constitution of the State of New Hampshire which states, "all money bills shall originate in the house of representatives; but the Senate may propose, or concur with, amendments, as on other bills". Senate Bill No. 66 proposes to raise fees for licenses for pharmacies and pharmacists.

The Supreme Court in 1901 (opinion of the Justices 70 N. H. 642) clearly stated that all bills for the raising of revenue must originate in the House of Representatives, and all other bills may originate in the Senate.

In accordance with prior rulings of other Speakers of the House it is the opinion of this Speaker that the determination of what is or what is not a revenue bill is a prerogative of the Speaker of the House. In making rulings to protect the constitutional prerogatives of this House, the Speaker, in accordance with tradition and practice will interpret this constitu-

tional provision liberally so as to protect the rights, privileges and traditions of this House.

(discussion ensued)

Reports of Standing Committees

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 236, An Act relative to the taxation of personal estate, having considered the same, reported the same, in new draft and with new title, with the recommendation that the bill in its new draft and with its new title be re-committed to the Committee on Judiciary and Ways and Means.

On a *viva voce* vote the resolution was adopted.

Introduction of a Bill in New Draft and New Title

House Bill No. 236, An Act repealing the tax on draft animals, neat stock, sheep, goats, hogs and poultry, was read a first and second time in new draft and new title, laid on the table for printing and referred to the Joint Committee on Judiciary and Ways and Means.

At the request of Mr. Pillsbury of Manchester, Mr. Green of Manchester explained why the bill was referred to the Committee on Judiciary as well as the Ways and Means Committee.

(discussion ensued)

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 294, An Act establishing an administrative committee for municipal courts, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 294 was referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 300, An Act relative to liens for labor and materials, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 301, An Act adopting the

uniform rendition of prisoners as witnesses in criminal proceedings act, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Junkins of Hampton, for the Committee on Judiciary, to whom was referred House Bill No. 316, An Act relative to salary of the justice of the Seabrook municipal court, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gilman of Farmington, for the Committee on Rules, to whom was referred Concurrent Resolution No. 10, Concurrent Resolution relating to a proposed new Joint Rule, having considered the same, reported the same with the following amendment, and the recommendation that the Concurrent Resolution as amended ought to pass.

Amend the concurrent resolution by adding at the end thereof the following:

The foregoing shall not apply to Committees of Conference dealing with the operating budget or capital budget, so that said concurrent resolution as amended shall read as follows:

That the Joint Rules of the Senate and House be amended by inserting after Rule 13 the following new Joint Rule:

14. Every Committee of Conference, within six legislative days after the complete committee has been named, shall make a report of its decision to the Senate and the House, provided, however, that in case the committee cannot agree the Committee of Conference shall be discharged and a new committee appointed. The foregoing shall not apply to Committees of Conference dealing with the operating budget or capital budget.

The Clerk read the amendment in full.

Mr. Pillsbury of Manchester spoke against the concurrent resolution.

Mr. Gilman of Farmington spoke in favor of the concurrent resolution.

(discussion ensued)

Mr. Pickett of Keene spoke against the concurrent resolution.

(discussion ensued)

Mr. King of Manchester spoke in favor of the resolution.

The question being on the adoption of the amendment to Concurrent Resolution No. 10.

On a *viva voce* vote the amendment was not adopted.

The question now being on the adoption of the resolution of the committee.

Mr. Pillsbury of Manchester moved that the concurrent resolution be indefinitely postponed.

On a *viva voce* vote the motion was adopted.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 237 was referred to the Committee on Appropriations under the rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Joint Resolution No. 29, Joint resolution relative to the operating expenses of educational television station WENH, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

House Joint Resolution No. 29 was referred to the Committee on Appropriations under the rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 77, An Act relative to curriculum to be taught in high schools, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *High Schools.* Amend RSA 194 by striking out section 23 and inserting in place thereof the following new sections:

194:23 *Definition of High School.* The term "high school" shall mean a public or private high school, academy or literary institution offering a course of studies for four years in such subjects as are generally required to be offered by stu-

dents for admission to colleges, technical schools and teachers colleges as determined by the state board of education and prescribed by statute and including reasonable instruction in the constitutions of this state and of the United States and such other subjects as the school district maintaining such school may determine by its school board or by vote of the district and meeting standards prescribed by the state board of education with respect to teaching the offered course of studies and to facilities and equipment used and maintained to offer such course of studies and approved by the state board of education as complying with the provisions of this section.

194:23-a *Definition of Comprehensive High School.* The term "comprehensive high school" means a public or private high school, academy or literary institution offering a course of studies for four years for students, who have completed eight years of grammar school or its equivalent, in subjects prescribed by the state board of education and by statute including reasonable instruction in the constitution of this state and of the United States and meeting standards prescribed by the state board of education with respect to teaching the offered course of studies and to facilities and equipment used or maintained to offer such course of studies and approved by the state board of education as complying with the provisions of this section.

194:23-b *Approval of High Schools and Comprehensive High Schools.* In order to satisfy compulsory school attendance laws a high school student must attend a high school or a comprehensive high school which has been approved by the state board of education as complying with the provisions of section 23 or section 23-A, or their equivalent; and the state board of education shall annually publish a list of all high schools and comprehensive high schools which it has approved as meeting the requirements of section 23 or section 23-A.

194:23-c *Standards and Uniformity.* The state board of education, except as limited with respect to curriculum as provided in section 23, shall have the power with respect to high schools and comprehensive high schools to prescribe from time to time and to revise minimum standards and recommend standards with respect to curriculum, to teaching the offered course of studies and to facilities and equipment used or maintained to offer such course of studies; provided however, that

such minimum standards shall be uniform in their application to high schools and comprehensive high schools; and the state board of education shall have the power to approve for a reasonable period of time a high school or a comprehensive high school although it does not fully meet the requirements of section 23 or 23-A if in its judgment the financial condition of the school district or other pertinent circumstances justify delay in full compliance with the provisions of section 23 or 23-A.

194:23-d *State Financial Aid.* A high school or a comprehensive high school must be approved by the state board of education in order to qualify the district or cooperative school district maintaining such school to receive all forms of financial aid to education from the state with respect to high schools or pupils in attendance thereat which are now or which may hereafter be provided by the General Court of this state; provided however, that a school district or a cooperative school district maintaining an approved high school shall also, in order to qualify for such state financial aid, appropriate sufficient funds to meet the cost of tuition and reasonable transportation expense for such of the high school pupils who reside in the school district as desire to attend an approved comprehensive high school in this state to take a course of study offered by such approved comprehensive high school better suited to the needs and capabilities of the student than that offered by the district's approved high school; any person having the custody of a high school student so desiring to attend an approved comprehensive high school may apply to the state board of education for relief if such person is dissatisfied with the action of the school board and the state board after notice to the school board may order such child to attend an approved comprehensive high school and the school district of residence of such student shall be liable for the cost of tuition and reasonable transportation expense.

194:23-e *Receipt of Tuition Students.* In order to be entitled to accept tuition students a high school or a comprehensive high school must be approved by the state board of education as complying with the provisions of section 23 or 23-a.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

At the request of Mr. King of Manchester, Mrs. Brown of Sandwich explained the amendment and yielded the floor to Mr. Pillsbury of Manchester for further explanation.

Mr. Pillsbury of Manchester offered the following amendment to the amendment:

Amend 194:23-d as inserted by Section 1 by striking out the words, "in this state" after the word "school" in the eleventh line so that said section as amended shall read as follows:

194:23-d *State Financial Aid.* A high school or a comprehensive high school must be approved by the state board of education in order to qualify the district or cooperative school district maintaining such school to receive all forms of financial aid to education from the state with respect to high schools or pupils in attendance thereat which are now or which may hereafter be provided by the General Court of this state; provided however, that a school district or a cooperative school district maintaining an approved high school shall also, in order to qualify for such state financial aid, appropriate sufficient funds to meet the cost of tuition and reasonable transportation expense for such of the high school pupils who reside in the school district as desire to attend an approved comprehensive high school to take a course of study offered by such approved comprehensive high school better suited to the needs and capabilities of the student than that offered by the district's approved high school; any person having the custody of a high school student so desiring to attend an approved comprehensive high school may apply to the state board of education for relief if such person is dissatisfied with the action of the school board and the state board after notice to the school board may order such child to attend an approved comprehensive high school and the school district of residence of such student shall be liable for the cost of tuition and reasonable transportation expense.

Amend 194:23-e as inserted by said section 1 by inserting the word, public, after the word "comprehensive" in the second line so that said section as amended shall read as follows:

194:23-e *Receipt of Tuition Students.* In order to be entitled to accept tuition students a high school or a comprehensive public high school must be approved by the state board

of education as complying with the provisions of section 23 or 23-a.

(discussion ensued)

Mr. Stevenson of Bethlehem spoke in favor of the bill.

Mr. Pickett of Keene moved that House Bill No. 77 be laid on the table and made a Special Order for next Tuesday at 11:01 o'clock, and spoke in favor of the motion.

Mr. Bradley of Hanover spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Education to whom was referred House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state, having considered the same and being unable to agree with the majority, report the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

JOHN A. PILLSBURY,
For the Committee.

The reports were accepted.

Mr. Pillsbury of Manchester spoke against the bill.

Mr. Bradley of Hanover spoke in favor of the bill.

(discussion ensued)

(Mr. Crosby of Hillsborough in the Chair)

Mrs. Frizzell of Charlestown spoke in favor of the bill.

(Speaker in the Chair)

Mr. Pillsbury of Manchester spoke a second time in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendment, in the passage of which amend-

ment the Senate asks the concurrence of the House of Representatives:

HB 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance.

Amend 408-A:2(2) to read:

(2) All life insurance and all accident and health insurance sold in connection with loans or other credit transactions of less than five years' duration shall be subject to the provisions of this chapter. Such insurance sold in connection with a loan or other credit transaction of *five years' duration or more* shall not be subject to the provisions of this chapter.

Amend 408-A:2(3) (d) and 408-A:2(3) (e) by changing the period at the end of each paragraph to a semi-colon.

Amend 408-A:4(2) to read:

(2) *Credit Accident and Health Insurance.* The total amount of indemnity payable by credit accident and health insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness; and *the amount of each periodic indemnity payment* shall not exceed the original indebtedness divided by the number of periodic installments.

Amend 408-A:5 to read:

Term of Credit Life Insurance and Credit Accident and Health Insurance. The term of any credit life insurance or credit accident and health insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, *or the date from which interest or finance charges accrue if later*, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. *Where evidence of insurability is required and such evidence is furnished more than thirty days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance.* The term of such insurance shall not extend more than fifteen days beyond the scheduled matur-

ity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in section 8.

Amend 408-A:6(2) to read:

Each individual policy or group certificate of credit life insurance, and/or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, *and the identity by name or otherwise of the person or persons insured, the rate or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the amount, term and coverage including any exceptions, limitations or restrictions, and shall state that the benefit shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate.*

Amend 408-A:6(4) to read:

If said individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the identity by name or otherwise of the person or persons insured, the rate or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and health insurance, a description of the amount, term and coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty days of the date upon which the indebtedness is

incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Said application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 5 of this chapter.

Amend 408-A:7(2) to read:

The commissioner shall within thirty days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form *if the table of premium rates charged or to be charged appears by reasonable assumptions to be excessive in relation to benefits*, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of the insurance code or any rule or regulation promulgated thereunder.

Amend 408-A:8(4) to read:

The amount charged to a debtor for credit life or credit health and accident insurance shall not exceed the premium charged by the insurer, as computed at the time the charge to the debtor is determined.

Mr. Goode of Manchester moved that the rules of the House be so far suspended as to dispense with the reading of the amendment and explained the amendment.

On a *viva vice* vote the motion was adopted.

Mr. Goode of Manchester moved that the House concur with the amendment as sent down by the Senate.

On a *viva voce* vote the motion was adopted, and House Bill No. 168 was sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 122, An Act relative to acceptance of contracts for highway improvement and construction.

Introduction of Senate Bill

Senate Bill No. 122, An Act relative to acceptance of contracts for highway improvement and construction, was introduced, read a first and second time and referred to the Committee on Public Works.

Mr. Galloway of Walpole moved that the rules of the House be so far suspended as to dispense with the public hearing on Senate Bill No. 122 and to permit Senate Bill No. 122 to be placed on third reading and final passage at the present time and spoke in favor of the motion.

The Clerk read the bill in full.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 122, An Act relative to acceptance of contracts for highway improvement and construction, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

Amend said bill by striking out the first eight lines and inserting in place thereof the following:

1 *Boats and Outboard Motors.* Amend RSA 270:5 (supp) as amended by 1959, 53 by striking out said section and inserting in place thereof the following: 270:5 *Fees.* The commission shall collect fees as follows:

1. *Commercial Boats.* There shall be paid to the commission for every such boat inspected as to which a certificate is given by said commission, a fee based upon the following schedule: Boats used for passengers only, or for passengers and freight, permitted to carry a maximum of not exceeding ten persons, six dollars; boats permitted to carry a maximum of more than ten and not exceeding

Amend paragraph III of RSA 270:5 as inserted by section 1 of said bill by striking out the last sentence and inserting in place thereof the following:

In case of boats propelled by more than one outboard

motor the fee shall be computed on the horsepower of each individual motor.

Further amend said bill by inserting at the end of RSA 270:5 as inserted by section 1 of said bill the following:

VI. Power boats and outboard motors owned and operated by the state shall be exempt from registration fees but shall be registered as any other power boat or outboard motor.

Mr. McMeekin of Haverhill moved that the House concur with the Senate in the amendment offered by the Engrossed Bills Committee.

On a *viva voce* vote the motion was adopted.

Mr. Rufo of Concord moved that the order whereby House Bill No. 154, An Act relative to the use of fluorine in public water supplies was referred to the Public Health Committee be vacated and that the bill be referred to the Concord Delegation, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state.

House Bill No. 301, An Act adopting the uniform rendition of prisoners as witnesses in criminal proceedings act.

House Bill No. 316, An Act relative to salary of the justice of the Seabrook municipal court.

On motion of Miss Bailey of Newport the House adjourned at 1:27 o'clock.

THURSDAY, APRIL 16, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O God, we seek the sense of Thy companionship in this world of crowded loneliness. For faith in Thee and confidence in Thy human creation we pray.

Give us the grace to praise Thee for the gifts of life and living. Having prayed and labored for things that we have desired, though what we have wanted may have been denied us, what we need we have. So, teach us to use with wisdom and understanding the blessings which are ours.
Amen.

Pledge of Allegiance to the Flag

Mrs. Gordon of Jaffrey led the Convention in the Pledge of Allegiance to the Flag.

The Speaker introduced Preston J. Moore, National Commander of the American Legion as follows:

Preston J. Moore, of Stillwater, Oklahoma, was elected National Commander of The American Legion on September 4, 1958.

His election to the top office in the world's largest veterans' organization climaxes 13 years of Legion Service for the World War II Army and Air Force veteran.

During the past ten years the Legion's top officer has held many Posts. He has been Department Judge Advocate, Alternate National Executive Committeeman and served as National Executive Committeeman from 1955 to his election as National Commander in Chicago. In addition, he has been a member of several Legion national committees and commissions, including the 1946 National Convention Foreign Relations Committee, the National Commander's Advisory Committee, 1956-57, and the National Executive Committee's Liaison Committee on National Security and Subcommittee on revision of the Legion's Constitution and By-Laws.

Commander Moore then addressed the Joint Convention.

On motion of Senator Lamontagne of District No. 1 the Convention rose.

House

Leave of Absence

Mr. Deans of Milford was granted leave of absence for the day on account of illness.

Introduction of Bills

The following bills were severally introduced, read a first and second time and referred as follows:

By the Committee on Rules (Mr. Gilman of Farmington) House Bill No. 426, An Act to increase the fee for teachers' registration with the state board of education. To the Committee on Education.

By the Committee on Rules (Mr. Gilman of Farmington) House Bill No. 427, An Act relating to motor carriers of property. To the Committee on Transportation.

By the Committee on Rules (Mr. Gilman of Farmington) House Bill No. 428, An Act increasing the general penalty for motor vehicle violations. To the Committee on Judiciary.

By the Committee on Rules (Mr. Diffenderfer of Ossipee) House Bill No. 429, An Act relative to property holding by the First Congregational Society in Ossipee. To the Committee on Executive Departments and Administration.

By the Committee on Rules (Mr. Nickerson of Tamworth) House Bill No. 430, An Act legalizing the school district meeting held in Tamworth on April 4, 1959. To the Committee on Municipal and County Government.

Mr. Nickerson of Tamworth moved that the rules of the House be so far suspended as to dispense with the printing and public hearing of House Bill No. 430 and that the bill be placed on third reading and final passage at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted, and the bill was ordered to a third reading.

By Mr. Newell of Concord, House Bill No. 431, An Act relative to investments of common trust funds. To the Committee on Banks.

By Mr. Nahil of Claremont, House Bill No. 432, An Act relative to duties of deputy labor commissioner. To the Committee on Labor.

By Mr. Nelson of Hopkinton, House Bill No. 433, An Act relating to the taxation of banks. To the Committee on Banks.

By Miss Collyer of Lisbon, House Bill No. 434, An Act relative to public water supplies. To the Committee on Public Health.

By Mr. Gilman of Farmington, House Bill No. 435, An Act imposing a service fee on common carriers of passengers by air. To the Committee on Ways and Means.

Reports of Standing Committees

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 334, An Act authorizing certain deductions from retirement benefits of state employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 259, An Act relative to license fees for recreation camps, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

The Chair announced that House Bill No. 332, An Act relative to inspectors of election, was withdrawn at the request of the Chairman of the Executive Departments and Administration.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 78, An Act relative to certain refunds from the state treasury, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. McMeekin of Haverhill explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 24, An Act providing for the election of moderator and supervisors of the checklist at annual town meetings, having

considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mrs. Gordon of Jaffrey moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" in the committee report, and spoke in favor of the motion.

Mr. Plumer of Bristol spoke in favor of the motion.

Messrs. McMeekin of Haverhill and Kelley of Littleton spoke against the motion.

(discussion ensued)

Mr. Eastman of Weare spoke in favor of the motion.

(discussion ensued)

Mr. Marx of Langdon and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail,

Mrs. Gordon of Jaffrey requested a division.

A division being had and 111 members having voted in the affirmative and 199 members having voted in the negative the motion to substitute did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Daniel of Manchester, for the Committee on Military and Veterans Affairs, to whom was referred House Bill No. 325, An Act relating to the Korean Bonus, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the date "July 1, 1961" in the fifth line and inserting in place thereof the date, December 31, 1960; and by striking out the words "and upon the appropriation made by section 2 hereof" so that said section as amended shall read as follows:

1 *Applications*. Amend 1955, 286 by inserting after section 8-a thereof as inserted 1957, 5:4 the following new section: 8-b *Extension*. Notwithstanding the provisions of section 8-a hereof applications for the Korean bonus may be received by the adjutant general at any time prior to December 31, 1960 and the adjutant general if he finds the applicant qualified shall certify to the state treasurer for payment and the treasurer shall pay the same. The payments authorized

hereunder shall be a charge upon the balance of funds now held in the treasury as authorized by 1955, 286:5 as amended by 1957, 5:2.

Further amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and House Bill No. 325 was referred to the Committee on Appropriations under the rules.

Mr. Daniel of Manchester, for the Committee on Military and Veterans Affairs, to whom was referred House Bill No. 298, An Act relative to the payment of claims arising out of activities of the national guard, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 298 was referred to the Committee on Appropriations under the rules.

Mr. Daniel of Manchester, for the Committee on Military and Veterans Affairs, to whom was referred House Bill No. 306, An Act creating the office of director of veterans services, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 306 was referred to the Committee on Appropriations under the rules.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Joint Resolution No. 18, Joint Resolution to provide increased funds for geologic mapping, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

House Joint Resolution No. 18 was referred to the Committee on Appropriations under the rules.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Joint Resolution No. 27, Joint Resolution providing for a zoo at Mt. Sunapee state park, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

House Joint Resolution No. 27 was referred to the Committee on Appropriations under the rules.

Mrs. Ainley of Manchester, for the Committee on Resources, Recreation and Development, to whom was referred House Joint Resolution No. 24, Joint Resolution relative to camping facilities at Bear Brook state park, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

House Joint Resolution No. 24 was referred to the Committee on Appropriations under the rules.

Mr. Leonard of Franklin, for the Special Committee consisting of the members from the City of Franklin, to whom was referred House Bill No. 396, An Act authorizing the city of Franklin to issue bonds, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Phillips of Claremont, for the Special Committee consisting of the members from the city of Claremont, to whom was referred House Bill No. 75, An Act relating to the police commission of the city of Claremont, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 5 and inserting in place thereof the following new sections:

5 *Referendum*. This act shall not take effect unless it is adopted by a majority ballot voted at the regular municipal election held on the second Tuesday of November, 1959. On the ballot then used the following question shall appear, "Shall the provisions of an act passed at the 1959 session of the legislature providing for the appointment by the city council of the police commission of the city of Claremont be adopted?" Beneath the question shall be the word, "Yes" and the word, "No" with a square immediately opposite each word, and the voter shall indicate his choice by making a cross in the appropriate square. If a majority of those voting on this question voted in the affirmative this act shall be declared to have been adopted.

6 *Takes Effect*. Section 5 of this act shall take effect upon its passage. If this act shall be adopted by a majority ballot voted at the 1959 election as provided in section 5 the

remainder of this act shall take effect the first weekday in January, 1960.

The Clerk read the amendment in full.

The minority of the Special Committee consisting of the members from the city of Claremont, to whom was referred House Bill No. 75, An Act relating to the police commission of the city of Claremont, having considered the same, and being unable to agree with the majority, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

AMOS E. RUSSELL,
ARTHUR L. BRADBURY,
GEORGE W. ANGUS,
SAMUEL J. NAHIL,

For the Committee.

The reports were accepted.

Mr. Nahil of Claremont moved that further consideration of House Bill No. 75 be indefinitely postponed, and spoke in favor of the motion.

Mrs. Phillips and Mr. Desnoyer of Claremont spoke against the motion.

Mr. Angus of Claremont spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Angus of Claremont requested a division.

A division being had and 112 members voting in the affirmative and 188 members having voted in the negative, the motion to substitute did not prevail.

Mr. Nahil of Claremont demanded the Yeas and Nays.

After the roll was called for Sullivan county, Mr. Nahil of Claremont withdrew his request for the Yeas and Nays.

The question now being on the amendment as offered by the majority of the committee.

On a *viva voce* vote the amendment was adopted.

Mrs. DeLude of Unity offered the following amendment and spoke in favor of the amendment:

Amend Section 1 of the bill by striking out the words, city council, in the third line and inserting in place thereof the words "the people".

Amend Section 5 by striking out the words, "appointment by the City Council" in line 5, and inserting in place thereof the words "Elected by the people".

(discussion ensued)

Mrs. DeLude of Unity moved that House Bill No. 75 be made a special order for next Tuesday at 11:02 o'clock and spoke in favor of the motion.

Mr. Desnoyer of Claremont spoke against the motion.

(discussion ensued)

Mr. D'Amante of Claremont and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

(discussion ensued)

Mrs. Frizzell of Charlestown spoke against the motion.

Mrs. DeLude of Unity rose on a point of personal privilege.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

The question being, shall the main question now be put.

On a *viva voce* vote the motion was adopted.

The question now being, shall House Bill No. 75 be made a special order for 11:02 o'clock next Tuesday.

On a *viva voce* vote the motion did not prevail.

The question now being on the amendment as offered by Mrs. DeLude of Unity.

On a *viva voce* vote the motion was not adopted.

The question now being, shall the bill be read a third time.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to permit third reading and final passage of House Bill No. 75 by title only at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 75, An Act relating to the police commission of the city of Claremont, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Desnoyer of Claremont, having voted with the majority, asked the House to reconsider its vote whereby it passed House Bill No. 75.

On a *viva voce* vote the motion did not prevail.

Committee Appointment

Mr. Mannion of Concord to the committee on Insurance.

Resolutions

Whereas, the Honorable Senate has requested on April 15th an advisory opinion of the Supreme Court on the correctness of a ruling made by the Speaker of the House on that date, and

Whereas, the House traditionally has reserved to itself the right to accept or reject the Speaker's rulings, and

Whereas, a ruling by the Speaker, upheld by the House, should be final determination of a procedural matter in the House, therefore be it

Resolved, That the Honorable Justices of the Supreme Court be requested not to honor the request of the Senate, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to the court.

Speaker's Ruling

Messrs. Gilman of Farmington, Pillsbury of Manchester, Green of Manchester and Pickett of Keene spoke in favor of the resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Pickett of Keene offered the following resolutions:

Whereas, House Bill No. 435, An Act imposing a service fee on common carriers of passengers by air, is now pending in the House of Representatives, and

Whereas, questions have been raised concerning the constitutionality of the provisions of said bill:

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

Does the imposition of a service fee on common carriers of passengers by air in the manner proposed in said bill violate the fundamental law of the State as expressed in the Constitution? further

Resolved, That the Speaker of the House of Representatives transmit to the Supreme Court forthwith six copies of said House Bill.

Mr. Pickett of Keene spoke in favor of the resolutions.

On a *viva voce* vote the resolutions were adopted.

Special Order

Mr. Coutermarsh of Lebanon called for the Special Order on House Bill No. 423 and moved that further consideration of the Special Order be made a Special Order for 11:01 o'clock on Wednesday next.

On a *viva voce* vote the motion was adopted.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. No. 27, An Act to broaden the curriculum at teachers colleges.

Introduction of a Senate Bill

Senate Bill No. 27, An Act to broaden the curriculum at teachers colleges, was introduced, read a first and second time, and referred to the Committee on Education.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 64, An Act relative to elected officials as special police officers.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 127, An Act relative to damaging and detaining library and gallery property.

House Bill No. 264, An Act relative to emergency borrowing by the state treasurer.

House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Auburn.

House Bill No. 398, An Act legalizing action taken at the annual meeting of the Litchfield School District held on March 7, 1959.

Mr. Gilman of Farmington and Mr. King of Manchester offered the following resolutions:

Whereas, The Honorable John Foster Dulles has tendered his resignation as our National Secretary of State, and

Whereas, Secretary Dulles during his several years as a member of the Cabinet of President Dwight Eisenhower has worked faithfully and conscientiously as a public servant both here and abroad, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court hereby pay tribute to Secretary Dulles for the great service he has rendered to his country and express our appreciation of his endeavors in behalf of our nation, and be it further

Resolved, That the Clerk of the House transmit a copy of of these resolutions to Secretary Dulles, and that when the House adjourns today it adjourn in his honor.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Underhill of Nashua offered the following resolutions:

Whereas, Peter P. Charland, Representative from Franklin, is ill in the hospital, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, express our sympathy to our Fellow Member in his illness and extend our best wishes for a speedy recovery, and be it further

Resolved, That the Clerk of the House transmit to Representative Charland a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Crosby of Hillsborough moved that the order whereby Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage, was referred to the

Committee on Liquor Laws be vacated and that the bill be referred to the Committee on Judiciary.

On a *viva voce* vote the motion was adopted.

The Chair announced that today is the fiftieth wedding anniversary of Mr. Maxfield of Rochester, and the birthday of Mr. Bushey of Northumberland.

Report of Engrossed Bills Committee

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

Senate Bill No. 122, An Act relative to acceptance of contracts for highway improvement and construction.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet next Tuesday at 11:00 o'clock.

Third Reading

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 259, An Act relative to license fees for recreation camps.

House Bill No. 334, An Act authorizing certain deductions from retirement benefits of state employees.

House Bill No. 396, An Act authorizing the city of Franklin to issue bonds.

House Bill No. 430, An Act legalizing the school district meeting held in Tamworth on April 4, 1959.

Senate Bill No. 78, An Act relative to certain refunds from the state treasury, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. DeLude of Unity the House adjourned in honor of Secretary of State Dulles at 1:55 o'clock.

TUESDAY, APRIL 21, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend William D. Goble, Jr., Pastor of the First Baptist Church of Manchester.

O God, our eternal Father, before we begin a new week of work in this state government of New Hampshire, we first turn our thoughts to Thee. Help each of us to understand, O God, that we can build good, strong, effective government only upon the foundation of Thy truth and righteousness.

Give us, we pray, daring minds, able to find new solutions to old problems. Give us, we pray, minds, responsive to the needs of all the people regardless of how much money they may have or their color or religious affiliation. Give us deeply concerned minds, our Father, to try to meet the basic needs of people whom we represent, in education, in law, in transportation, in social service, and in other areas of human need.

Give us, we pray, the courage to make morally right decisions although those decisions may be unpopular. May each of us always be completely sincere and honest, always saying what we mean and meaning what we say.

And, O God, help each of us to understand that government is the servant of the people and not the master. Help us truly to find deep joy and abiding satisfaction in this our service. In the Master's Name, we pray, Amen.

Pledge of Allegiance to the Flag

Mr. Lang of Manchester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following as guests of the House today:

A group of Cornish Grade School pupils with their teacher Mr. Yatsevitch, courtesy of Mr. Davis of Cornish.

A group of Canaan High School students with their teacher Mrs. Burns, courtesy of Mr. Graham of Canaan.

Republican women of Rockingham County visiting in conjunction with Legislative Day.

Women from the N. H. Methodist Conference, courtesy of Mrs. Frizzell of Charlestown.

The Senior and Junior Classes of Vilas High School of Alstead accompanied by their Headmaster, Mr. Metcalf and Mr. Young, courtesy of Mr. Washburn of Alstead.

Leaves of Absence

Messrs. Gaffney of Claremont, Rice of Peterborough and Foote of Portsmouth were granted leaves of absence for the week on account of illness.

Messrs. Burbank of Laconia and Norris of Manchester were granted leaves of absence for the day on account of illness.

Mr. Blair of Epping was granted leave of absence for the day on account of attending a funeral.

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Introduction of Bills

By Mr. Bigelow of Warner, House Bill No. 436, An Act relative to certain islands in great ponds. To the Committee on Resources, Recreation and Development.

By Mr. King of Manchester, House Bill No. 437, An Act providing funds for the administrative committee of the probate courts. To the Committee on Appropriations.

Reports of Standing Committees

Mr. Davis of Cornish, for the Committee on Agriculture to whom was referred House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the date "March 21, 1959" and inserting in place thereof the date, April 1, 1960, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect as of April 1, 1960.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Bigelow of Warner, for the Committee on Claims, to whom was referred House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend said joint resolution by adding at the end thereof the following, Payment of said sum shall be in full and complete settlement of said claim, so that said resolution as amended shall read as follows:

That the sum of five hundred and twenty dollars is hereby appropriated to be paid to Peter C. Cummings, formerly of Newport and now of Hampton, to compensate him for injuries received at the Grantham Mountain fire of 1953. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated. Payment of said sum shall be in full and complete settlement of said claim.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the House Joint Resolution ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 269, An Act providing for per-pupil grants to local school districts, having considered the same, reported the same with the recommendation that the bill be referred to the special session of the Legislature.

At the request of Mr. Kearns of Manchester, Mrs. Brown of Sandwich explained the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Speaker's Ruling

The Chair rules that the resolution as offered by the Committee on Education on House Bill No. 269, An Act providing for per-pupil grants to local school districts, has been accepted and if there is a Special Session held that this bill will automatically be considered again by the Committee on Education. If there is no Special Session, then House Bill No. 269, in effect, is killed.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 243, An Act in relation to district liability for elementary school tuition, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 365, An Act relative to determination of final compensation under state employees retirement system, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 357, An Act relative to folding and depositing ballots at elections, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 345, An Act relative to employment of residents of the state at race meets, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Danforth of Manchester moved that House Bill No. 345 be recommitted to the committee on Executive Departments and Administration and spoke in favor of the motion.

Mr. McMeekin of Haverhill spoke against the motion.

On a *viva voce* vote the motion did not prevail, and the resolution of the committee was adopted.

Mrs. DeLude of Unity, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 65, An Act relative to advertising by motels, cabins and motor courts, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Reconsideration

Mr. McMeekin of Haverhill moved that the House reconsider its vote whereby it adopted the resolution of the Committee "Inexpedient to Legislate" on House Bill No. 365 and explained the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Pillsbury of Manchester requested a division.

A division being had and the vote being manifestly in the affirmative, the motion to reconsider prevailed and House Bill No. 365 was recommitted to the committee on Executive Departments and Administration.

Mr. Birch of Lyman, for the Committee on Fish and Game, to whom was referred House Bill No. 155, An Act relative to the possession of wire cutters, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Rolfe of Rochester, for the Committee on Fish and Game, to whom was referred House Bill No. 225, An Act closing the season for taking hen pheasants for a period of four years, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the title and inserting in place thereof the following:

An Act closing the season for taking hen pheasants for a period of two years.

Further amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Pheasants*. Amend RSA 209 by inserting after section 2 (supp) as amended by 1957, 80:1 the following new section: 209:2-a *Limitation*. Notwithstanding the provisions of section 2 no person shall take a hen pheasant for the period of October first, 1959 to October first, 1961.

The Clerk read the amendment in full.

Mr. Bisbee of Derry explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Bisbee of Derry, for the Committee on Fish and Game, to whom was referred House Bill No. 119, An Act relative to

driving deer, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to clams, clam worms and oysters.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Regulations.* Amend RSA 211:62 (supp) as inserted 1957, 251:1 and 1958, 1:1, by striking out the whole thereof and inserting in place thereof the following:

211:62 *Authority for Taking.* The director of the fish and game department upon advice of the advisory committee and the fish and game commission is authorized to make rules and regulations relative to the size, number and quantity limits for legal taking, open and closed seasons for legal taking, areas to be opened or closed to taking and the manner of taking clams, clam worms and oysters.

2 *Licenses.* Amend RSA 211 by inserting after section 62 the following new section: 211:62-a *Licenses for Taking.* No person shall at any time take clams, clam worms or oysters unless he is a resident of the state nor unless he has been duly licensed as provided in this section. Any resident of this state shall, on application to the director of fish and game, be granted a license to take oysters upon the payment of a fee of two dollars. Any resident of this state shall, on application to the director of fish and game, be granted a license to take clams and clam worms on the payment of a fee of two dollars. Such licenses shall be for the current calendar year.

3 *Fish and Game Commission.* Amend RSA 211:63 (supp) as amended by 1957, 251:1 by striking out said section and inserting in place thereof the following:

211:63 *Hearings as to.* Such regulations shall be come effective on an effective date specified by the director not less than thirty days following a public hearing before the fish and game commission.

4 *Revocation.* Amend RSA 211:64 (supp) as inserted 1957, 251:1 by striking out said section and inserting in place thereof the following:

211:64 *Penalty.* Whoever violates section 62-a hereof

or any rule or regulation promulgated by the director as hereinbefore provided relative to clams, clam worms and oysters, shall be fined not more than one hundred dollars and any license issued to him under this title may be revoked in the discretion of the director for a period not exceeding one year.

5 *Repeal.* RSA 211:54 (supp) as amended by 1955, 308:3 relative to oyster licenses is hereby repealed.

6 *Takes Effect.* This act shall take effect upon its passage except that sections 2 and 5 shall become effective January 1, 1960.

Mr. Bisbee of Derry explained the amendments as printed in the Journal of Tuesday, April 14.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

Mr. Brosnahan of Nashua, for the Committee on Labor to whom was referred House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Angus of Claremont explained the bill.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 336, An Act naming Hubbard Cove, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "Cove" in the second line the words, at the end of Meredith Neck between Spindle Point and Stonedam Island in the Town of Meredith (north latitude 43 degrees 38 minutes, longitude 71 degrees 27 minutes), so that said section as amended shall read as follows:

1 *Cove Named.* The body of water which is a part of Lake Winnepesaukee now known as the Cove, at the end of Meredith Neck between Spindle Point and Stonedam Island in

the town of Meredith (north latitude 43 degrees 38 minutes, longitude 71 degrees 27 minutes) shall hereafter be known as Hubbard Cove.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 339, An Act relative to the control of aquatic nuisances, having considered the same, reported the same with the recommendation that the bill ought to pass.

And House Bill No. 339 was referred to the Committee on Appropriations under the rules.

Mr. Urie of New Hampton, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 191, An Act relating to the classification of Ammonoosuc River and its tributaries, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Classification of Ammonoosuc River and its Tributaries.* Notwithstanding the provisions of paragraph XXXII of section 1 of chapter 199 of the Laws of 1949, providing that any order for abatement of pollution in the Ammonoosuc river and its tributaries would be deemed to be complied with if the pollution were abated in a period of fifteen years from the date of order, namely by September 1, 1964, such compliance with said order shall not be deemed to be effective unless such pollution control facilities to meet classification for Class B-1 waters shall have been begun by September 1, 1963. The purpose of this act is to require that any person affected by said classification must have installed and placed in proper operating order pollution control facilities as may be necessary under said status by September 1, 1964. The water pollution commission shall notify persons affected hereunder of the requirement that pollution control measures be begun by the above date of September 1, 1963.

Amend section 2 of the bill by striking out the words "sixty days after its passage" and inserting in place thereof

the word and figures, January 1, 1960, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect January 1, 1960.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Roulston of Salem, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 147, An Act relative to destruction of certain records in the department of public welfare, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mrs. Roulston of Salem offered the following amendment:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Board of Public Welfare.* Amend RSA 161:5 by striking out said section and inserting in place thereof the following: 161:5 *Destruction of Certain Records.* The board of public welfare may destroy, at the end of six years from the date of filing, reports, records and other documents in its office which in its opinion are no longer of any value to the state provided that payrolls covering payments to recipients of benefits under public welfare programs and medical audits shall be held for a period of ten years from the date of filing or until such records have been audited.

Mrs. Roulston of Salem spoke in favor of the amendment.

(discussion ensued)

Messrs. Converse of Pittsburg, McMeekin of Haverhill and Pillsbury of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred House Bill No. 361, An Act relative to sale of recapped motor vehicle tires, having con-

sidered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Branch of Goffstown moved that the words "Ought to Pass" be substituted for the resolution of the Committee, "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Terry of Westmoreland spoke against the motion.

(discussion ensued)

Messrs. Armstrong of Manchester and Coutermarsh of Lebanon spoke against the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke against the motion.

Mr. Nickerson of Goffstown spoke in favor of the motion.

(discussion ensued)

Mr. Green of Manchester spoke against the motion.

Mr. Branch of Goffstown spoke in favor of the motion a second time.

(discussion ensued)

Mr. Bradbury of Claremont moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion of the member from Manchester that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate."

On a *viva voce* vote the motion did not prevail and the resolution of the committee was adopted.

Mr. Gilman of Franklin, for the Special Committee consisting of the members from the city of Franklin, to whom was referred House Bill No. 84, An Act relating to the city assessor of Franklin, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following new sections:

2 *City Assessor*. Amend Laws of 1893, chapter 260, by inserting after section 14-a, as inserted by 1957, 425:2, the following new sections: Sect. 14-b. The city council shall appoint a city assessor who shall perform the duties of assessors by law within and for the city. The compensation of the city assessor shall be established by the city council; and he shall hold office during good behavior unless removed for cause by the city council, after notice and hearing.

Sect. 14-c. There shall be a tax advisory board composed of three persons, one from each ward, to be appointed by the city council. The term of office of the members of said board shall be three years, but the first appointments hereunder shall be made as follows: for the member from Ward 1, a term of one year; for the member from Ward 2, a term of two years; and for the member from Ward 3, a term of three years. Not more than two of the members shall be of the same political party. It shall be the function and duty of the tax advisory board to consult and advise with the city assessor at his request or at the request of any taxpayer, and the city assessor shall take into consideration the recommendations of said board in the making of assessments. The members of the board shall receive such compensation as may be voted by the city council.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Personal Privilege

Mr. Gilman of Farmington, Majority Floor Leader of the House, rose on a point of personal privilege and welcomed Tom Power, popular news commentator formerly with WMUR-TV, on his return to health from a recent heart attack.

Mr. Pillsbury of Manchester called for the Special Order on House Bill No. 77, An Act relative to curriculum to be taught in high schools.

The question being on the amendment to the committee amendment offered by Mr. Pillsbury of Manchester.

The Chair declared a two minute recess.

Recess

After Recess

The question is on the amendment to the amendment on House Bill No. 77.

Mr. Pillsbury of Manchester withdrew his amendment to the amendment.

The question now being on the amendment offered by the committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following.

1 *High Schools.* Amend RSA 194 by striking out section 23 and inserting in place thereof the following new sections:

194:23 *Definition of High School.* The term "high school" shall mean a public or private high school, academy or literary institution offering a course of studies for four years in such subjects as are generally required to be offered by students for admission to colleges, technical schools and teachers colleges as determined by the state board of education and prescribed by statute and including reasonable instruction in the constitutions of this state and of the United States and such other subjects as the school district maintaining such school may determine by its school board or by vote of the district and meeting standards prescribed by the state board of education with respect to teaching the offered course of studies and to facilities and equipment used and maintained to offer such course of studies and approved by the state board of education as complying with the provisions of this section.

194:23-a *Definition of Comprehensive High School.* The term "comprehensive high school" means a public or private high school, academy or literary institution offering a course of studies for four years for students, who have completed eight years of grammar school or its equivalent, in subjects prescribed by the state board of education and by statute including reasonable instruction in the constitution of this state and of the United States and meeting standards prescribed by the state board of education with respect to teaching the offered course of studies and to facilities and equipment used or maintained to offer such course of studies and approved by the state board of education as complying with the provisions of this section.

194:23-b *Approval of High Schools and Comprehensive High Schools.* In order to satisfy compulsory school attendance laws a high school student must attend a high school or a comprehensive high school which has been approved by the state board of education as complying with the provisions of section 23 or section 23-A, or their equivalent; and the state board of education shall annually publish a list of all high schools and comprehensive high schools which it has approved as meeting the requirements of section 23 or section 23-A.

194:23-c *Standards and Uniformity.* The state board of education, except as limited with respect to curriculum as provided in section 23 shall have the power with respect to high schools and comprehensive high schools to prescribe from time to time and to revise minimum standards and recommend standards with respect to curriculum, to teaching the offered course of studies and to facilities and equipment used or maintained to offer such course of studies; provided however, that such minimum standards shall be uniform in their application to high schools and comprehensive high schools; and the state board of education shall have the power to approve for a reasonable period of time a high school or a comprehensive high school although it does not fully meet the requirements of section 23 or 23-A if in its judgment the financial condition of the school district or other pertinent circumstances justify delay in full compliance with the provisions of section 23 or 23-A.

194:23-d *State Financial Aid.* A high school or a comprehensive high school must be approved by the state board of education in order to qualify the district or cooperative school district maintaining such school to receive all forms of financial aid to education from the state with respect to high schools or pupils in attendance thereat which are now or which may hereafter be provided by the General Court of this state; provided however, that a school district or a cooperative school district maintaining an approved high school shall also, in order to qualify for such state financial aid, appropriate sufficient funds to meet the cost of tuition and reasonable transportation expense for such of the high school pupils who reside in the school district as desire to attend an approved comprehensive high school to take a course of study offered by such approved comprehensive high school better suited to the needs

and capabilities of the student than that offered by the district's approved high school; any person having the custody of a high school student so desiring to attend an approved comprehensive high school may apply to the state board of education for relief if such person is dissatisfied with the action of the school board and the state board after notice to the school board may order such child to attend an approved comprehensive high school and the school district of residence of such student shall be liable for the cost of tuition.

194:23-e *Receipt of Tuition Students*. In order to be entitled to accept tuition students a public high school or a public comprehensive high school must be approved by the state board of education as complying with the provisions of section 23 or 23-a.

2 *Takes Effect*. This act shall take effect sixty days after its passage.

Mr. Pillsbury of Manchester explained the amendment.

(discussion ensued)

Mr. Chandler of Bartlett spoke in favor of the amendment.

Mr. Pickett of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the committee amendment was adopted and the bill ordered to a third reading.

Committee Appointment

Mr. Thibault of Nashua to the Committee on Liquor Laws as alternate during the illness of Mr. Foote of Portsmouth.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 97, An Act relating to the compensation of supervisors of the check list of the city of Somersworth.

Senate Bill No. 112, An Act changing the names of Granite State Fire Insurance Company and New Hampshire Fire Insurance Company.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time, and referred as follows:

Senate Bill No. 97, An Act relating to the compensation of supervisors of the check list of the city of Somersworth, to the Somersworth Delegation.

Senate Bill No. 112, An Act changing the names of Granite State Fire Insurance Company and New Hampshire Fire Insurance Company, to the Committee on Insurance.

Mr. Goode of Manchester moved that the rules of the House be so far suspended as to dispense with the committee reference, public hearing, and that Senate Bill No. 112 be placed on third reading and final passage at the present time, and spoke in favor of the motion.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 112, An Act changing the names of Granite State Fire Insurance Company and New Hampshire Fire Insurance Company, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 213, An Act relating to investments of savings banks.

House Bill No. 215, An Act relating to statements of cashiers of national banks.

House Bill No. 250, An Act changing the name of Trustees of the Methodist Episcopal Meeting House in Rochester and increasing its property holding.

House Bill 257, An Act increasing examination fees for the practice of accountancy.

House Bill 344, An Act legalizing the annual town meeting in the town of Brentwood, March 10, 1959.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills to whom was referred Senate Bill No. 44, An Act relative to the probate of wills, having considered the same, reported the same under Joint Rule No. 6 with the

following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1 *Names of Heirs.* Amend RSA 552 by inserting after section 5 the following new section: 552:5-a *Names of Heirs.* The executor named in

Amend said bill by inserting after section 2 the following new section:

3 *Notice.* Amend RSA 552:16 by inserting after the word "legatee" where it occurs the words, surviving spouse and heirs at law, so that said section as amended shall read as follows: 552:16 — *Form of Service.* The notice shall be in form prescribed by the probate court, and shall be delivered by such executor to such legatee, surviving spouse and heirs at law in person or by sending the same by mail, postage pre-paid, addressed to the last known place of residence or place of business of such legatee, surviving spouse and heirs at law. When the legatee is a corporation, association or institution notice shall be given to the president or treasurer thereof.

Further amend said bill by renumbering section 3 to read section 4.

The Clerk read the amendment in full.

Mr. Crosby of Hillsborough moved that the House concur in the amendment as offered by the committee on Engrossed Bills.

On a *viva voce* vote the motion was adopted.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 127, An Act relative to damaging and detaining library and gallery property.

House Bill No. 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance.

House Bill No. 213, An Act relating to investments of savings banks.

House Bill No. 250, An Act changing the name of Trustees of the Methodist Episcopal Meeting House in Rochester and increasing its property holding.

House Bill No. 257, An Act increasing examination fees for the practice of accountancy.

House Bill No. 264, An Act relative to emergency borrowing by the state treasurer.

House Bill No. 344, An Act legalizing the annual town meeting held in the town of Brentwood, March 10, 1959.

House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Auburn.

House Bill No. 398, An Act legalizing action taken at the annual meeting of the Litchfield School District held on March 7, 1959.

Senate Bill No. 64, An Act relative to elected officials as special police officers.

Senate Bill No. 78, An Act relative to certain refunds from the state treasury.

Resolutions

Mr. Wardwell of Portsmouth for the Portsmouth Delegation offered the following resolutions:

Whereas, Harry H. Foote, Representative from Portsmouth, is ill in the Portsmouth Hospital, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, express our sympathy to our fellow member in his illness and extend our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Foote a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time. that third reading of bills be by title only and House Joint Resolution by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolution

were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture.

House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings.

House Bill No. 243, An Act in relation to district liability for elementary school tuition.

House Bill No. 225, An Act closing the season for taking hen pheasants for a period of two years.

House Bill No. 119, An Act relative to clams, clam worms and oysters.

House Bill No. 336, An Act naming Hubbard Cove.

House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law.

House Bill No. 191, An Act relating to the classification of Ammonoosuc River and its tributaries.

House Bill No. 147, An Act relative to destruction of certain records in the department of public welfare.

House Bill No. 84, An Act relating to the city assessor of Franklin.

House Bill No. 77, An Act relative to curriculum to be taught in high schools.

Senate Bill No. 65, An Act relative to advertising by motels, cabins and motor courts, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Hayward of Hanover the House adjourned at 1:23 o'clock.

WEDNESDAY, APRIL 22, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend H. Franklin Parker, of the Chichester Congregational Church.

Almighty and Most Merciful God, we acknowledge the help of Thine hand in the deliberations of the past. Thou hast made known to Thy servants the open and righteous way and

hast encouraged their feet to walk in it. Speak Thou to those in whose hands are the destinies of free peoples and may they ever do justly and love mercy and walk humbly with Thee.

We pray that the Divine blessing may rest upon this representative body and that its members may be given wisdom to choose that which is right. Prosper every righteous act and confound every evil endeavor and may our state and nation grow in grace and in the knowledge and love of Thee; and may Thy kingdom be established in the earth — the kingdom of love and justice and truth.

Pledge of Allegiance to the Flag

Mr. Bates of Chichester led the Convention in the Pledge of Allegiance to the Flag.

The A Capella Choir of Plymouth Teachers' College entertained the Joint Convention led by Mr. Walter Smith, Professor of Music at the College.

(Mrs. Palmer of Plaistow in the Chair)

(Speaker in the Chair)

On motion of Senator Case of District No. 4 the Convention rose.

House

The Chair introduced the following groups as guests of the House today:

The 7th and 8th grades of the Chichester school in charge of their Principal William Lance, courtesy of Mr. Bates of Chichester.

The 7th grade of Cornish school in charge of Mrs. Banard, courtesy of Mr. Davis of Cornish.

The 7th and 8th grades of the Dublin school in charge of Principal Paul Christiansen and Mrs. Whitney, courtesy of Senator Charles Eaton and Representative Belle Gowing.

The Sunday School class of the Congregational church in Charlestown, courtesy of Mrs. Frizzell of Charlestown.

The class of Problems of Democracy from Raymond High School in charge of Mr. Verne Bryant, courtesy of Mr. Langford of Raymond.

Leaves of Absence

Messrs. Chase of Durham and Rolfe of Rochester were

granted leaves of absence for the day on account of important business.

Mr. McIsaac of Laconia was granted leave of absence for the week on account of important business.

Reports of Standing Committees

Mr. Perrault of Berlin, for the Committee on Aviation, to whom was referred House Bill No. 381, An Act relative to airways toll, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Hart of Rochester, for the Committee on Banks, to whom was referred House Bill No. 305, An Act relative to investments of credit unions, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Credit Unions.* Amend RSA 394:17 (supp) as amended by 1955, 213:1, by inserting before the words "savings bank" in the third line the words, cooperative bank, building and loan association; further amend by striking out all after the word "the" in the twelfth line and inserting in place thereof the words, state, or of any county, city or town of the state, issued pursuant to authority of law, so that said section as amended shall read as follows:

394:17. *Use of Funds.* While awaiting calls of its members for loans, it may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in this state, or, by majority vote of the board of directors and with the approval of the commissioner, in any savings bank, trust company, federal savings and loan association, or national bank in New England or, with like vote and approval, may make loans to other credit unions chartered under the laws of this state provided that the lending credit union has assets of one hundred thousand dollars or more. It may invest any surplus funds in obligations of the United States government or of the state, or of any county, city or town of the state, issued pursuant to authority of law.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred House Joint Resolution No. 30, a Joint Resolution providing for a study of the banking laws of the state, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby established a special committee consisting of nine members who are authorized and directed to study and review the banking laws of the state and to supervise the work necessary to revise, recodify and amend said banking laws and to arrange them in a systematic, annotated and condensed form, so far as they deem necessary, according to the general scheme and plan of the Revised Statutes Annotated. The bank commissioner and the attorney general shall be members ex officio of said committee provided that the attorney general may designate one of his assistants to act as such ex officio member in his place. There shall be two legislative members of said committee, one to be appointed by the speaker of the house and one to be appointed by the president of the senate. The remaining five members of said committee shall be residents of the state and shall be appointed by the governor as follows: One shall be a person associated with a mutual or guaranty savings bank; one shall be a person associated with a trust company; one shall be a person associated with a cooperative bank; one shall be a person associated with a credit union; and the fifth shall be a person representing the general public. The members of said committee shall serve without compensation but within the limits of the appropriation made hereafter shall be reimbursed for all reasonable expenses incurred in performing their official duties hereunder. The members of said committee shall have full authority to assign such portions of its work as it deems suitable to committees of persons not members of said committee who have had training and experience in the different types of banking and financial institutions which are subject to the supervision of the bank commissioner, provided however that

all recommendations made by such non-members relative to revision of the banking statutes shall be carefully reviewed and approved by the committee before they are submitted to the legislature. Such non-members shall receive no compensation for their services but within the limits of the appropriation made hereafter shall be reimbursed for their reasonable travelling expenses. The special committee shall report its findings and make specific recommendations relative to revision of the banking statutes to the 1961 session of the general court. The sum of twenty-five hundred dollars is hereby appropriated to be expended by said committee in carrying out the purposes hereof and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Mr. Dutton of Peterborough moved that the rules of the House be so far suspended as to dispense with the reading of the amendment and explained the amendment.

Mr. Pickett of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Dutton of Peterborough withdrew his motion and the Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and House Joint Resolution No. 30 was referred to the Committee on Appropriations under the rules.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to dispense with the reference of House Joint Resolution No. 30, to the Committee on Appropriations and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the House Joint Resolution was ordered to a third reading.

Mrs. Forbes of Marlow, for the Committee on Fish and Game, to whom was referred House Bill No. 335, An Act relative to taking wild deer, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted

Mr. Stevenson of Bethlehem, for the Committee on Labor, to whom was referred House Bill No. 256, An Act relating to workmen's compensation appeals, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 275, An Act relative to the practice of medicine and licensing provisions, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 329:16-a as inserted by section 3 of the bill by striking out the word "ten" in the sixth line and inserting in place thereof the word, five, so that said section as amended shall read as follows:

329:16-a *Registration*. Every person licensed to practice under this chapter, except as provided in sections 16-b and 16-c, shall biennially in even numbered years on or before December thirty-first, register with the board on forms provided by said board and pay a biennial registration fee of five dollars.

Amend RSA 329:16-c as inserted by section 3 of the bill by striking out the word "ten" in the ninth line and inserting in place thereof the word, five, so that said section as amended shall read as follows:

329:16-a *Inactive List*. A physician licensed to practice medicine in this state, who does intend to engage in the practice of his profession, upon written request to the board of registration in medicine may have his name transferred to an inactive list and shall not be required to register biennially or pay any registration fee as long as he remains inactive. Any physician whose name has been included in the inactive list as herein provided shall be restored to active status by the board upon the filing of a written request to the secretary of said board, accompanied by the required registration fee of five dollars.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Claflin of Wolfeboro, for the Committee on Public Health to whom was referred House Bill No. 297, An Act relative to board of funeral directors and interstate agreements, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Terry of Westmoreland, for the Committee on Transportation to whom was referred House Bill No. 103 (In New Draft and New Title), An Act relative to school buses, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mrs. Frizzell of Charlestown offered the following amendment and spoke in favor.

Amend said bill by striking out section 3.

Further amend said bill by renumbering sections 4, 5, 6 and 7 to read sections 3, 4, 5, and 6.

Mr. Terry of Westmoreland spoke in favor of the amendment.

(discussion ensued)

Mrs. Davis of Concord moved that House Bill No. 103 be recommitted to the committee on Transportation and spoke in favor of the motion.

Mr. Urie of New Hampton spoke against the motion.

(discussion ensued)

Mr. Oliver of Marlborough spoke in favor of the motion.

Mr. Pickett of Keene spoke against the motion.

Mr. Green of Manchester moved that House Bill No. 103 be made a Special Order for next Tuesday at 11:01 o'clock and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Chamberlain of Wolfeboro, for the Committee on Transportation to whom was referred House Bill No. 254, An Act providing for the issuance of probationary motor vehicle licenses, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Coutermarsh of Lebanon, for the Committee on Transportation to whom was referred House Bill No. 318, An Act requiring ticket printers on petroleum delivery meters, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Draper of Wilton, for the Committee on Transportation to whom was referred House Bill No. 338, An Act regulating gasoline price signs, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Dunnington of Dover, for the Special Committee consisting of the members from the City of Dover, to whom was referred Senate Bill No. 68, An Act relative to the powers of the city of Dover, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Coutermarsh of Lebanon called for the Special Order on House Bill No. 423, An Act changing the administration of Lebanon from city government to town government.

The question being on the motion of Mr. Coutermarsh of Lebanon that the order whereby House Bill No. 423 was referred to the Committee on Municipal and County Government be vacated and that the bill be referred to the Lebanon Delegation.

Mr. Coutermarsh of Lebanon spoke in favor of the motion.

Mr. Beard of Lebanon spoke against the motion.

(discussion ensued)

Mrs. Whipple of Lebanon and Messrs Guay and Porter of Lebanon spoke in favor of the motion.

Mr. Edson of Lebanon spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion.

On a *viva voce* vote the Chair was in doubt and requested a division vote.

The count being manifestly in the affirmative, House Bill No. 423 was referred to the Lebanon Delegation.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law.

Senate Bill No. 70, An Act relating to obstruction of view in the operation of motor vehicles.

Introduction of Senate Bills

The following Senate Bills were severally read a first and second time, laid on the table, and referred as follows:

Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law, to the Committee on Transportation.

Senate Bill No. 70, An Act relating to obstruction of view in the operation of motor vehicles, to the Committee on Transportation.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 178, An Act to increase the powers of St. Anthony College.

Amendment to House Bill No. 178.

Amend section 2 of said bill by striking out the words "sixty days after" and inserting in place thereof the word, upon, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. McMeekin of Haverhill the House concurred in the Senate amendment.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No 180, An Act relative to hawks and owls and the taking of protected birds.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Definitions under Fish and Game Laws.* Amend the definition for unprotected birds in RSA 207:1 by striking out the words "coopers hawk, sharp-shinned hawk, great horned

owl, barred owl, snowy owl" so that said definition as amended shall read as follows: Unprotected Birds: English sparrows, European starlings, crows, except such birds as are protected by the laws of federal government.

On motion of Mr. Bisbee of Derry the House concurred in the amendment offered by the Engrossed Bills Committee.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives.

House Bill No. 215, An Act relating to statements of cashiers of national banks.

Amend section 3 of said bill by striking out the date "April 9, 1959" and inserting in place thereof the date April 9, 1960.

On motion of Mr. Dutton of Peterboro the House concurred in the amendment offered by the Engrossed Bills Committee.

Qualified

Mr. Gibson of Concord, having qualified before His Excellency, Governor Wesley Powell, appeared during the session and took his seat as a member of the House and was introduced by the Chair.

Concurrent Resolution

Mr. Maloomian of Somersworth offered the following concurrent resolution:

Whereas, the world Communist movement under the domination of the Soviet Union has as its objective the establishment of totalitarian dictatorship in all parts of the world by unlawful methods, including espionage, sabotage, terrorism and other unlawful means; and

Whereas, International Communism is not a political movement but a world-wide conspiracy to destroy freedom of speech, freedom of assembly, freedom of religion, and the American constitutional form of government in particular; and

Whereas, more recently the President of the United States has announced a policy of firmness in refusing to yield

to Communist pressure as applied to the city of Berlin, Germany; now therefore, be it

Resolved by the Senate with the House of Representatives concurring, That the General Court of the State of New Hampshire endorses a United States policy of firmness in dealing with the Soviet Union, and urging that this nation not be fooled by Krushchev's smiles, does earnestly recommend that the United States of America and its allies adopt and maintain a foreign policy that will not yield another inch of remaining free land to Communist aggression anywhere in the world. be it further

Resolved, That the Secretary of State transmit a copy of this Concurrent Resolution to the members of the New Hampshire delegation in Congress and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

The concurrent resolution was referred to the committee on Judiciary.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills and House Joint Resolution be by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 381, An Act relative to airways toll.

House Bill No. 305, An Act relative to investments of credit unions.

House Bill No. 275, An Act relative to the practice of medicine and licensing provisions.

House Bill No. 297, An Act relative to board of funeral directors and interstate agreements.

House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state.

Mr. Pickett of Keene moved that the House reconsider its vote whereby they passed the House Joint Resolution No. 30 and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Bill No. 68, An Act relative to the powers of the city of Dover, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Lacasse of Rochester the House adjourned at 1:23 o'clock.

THURSDAY, APRIL 23, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Father Cornelius Cahill, St. Joseph's Church at Salem.

We pray Thee, O God of might, wisdom and justice through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude, His Excellency the Governor of Our State that his administration may be conducted in righteousness and be eminently useful to Thy people over whom he presides, by encouraging due respect for virtue and religion by a faithful execution of the laws in justice and mercy and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of our legislature and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of happiness, the increase of industry, sobriety and useful knowledge and may perpetuate to us the blessings of equal liberty.

We pray also for all judges, magistrates and other officers who are appointed to guard our political welfare that they may be enabled by Thy wonderful protection to discharge the duties of their respective stations with honesty and ability.

We likewise recommend to Thy unbounded mercy all our brethren and fellow citizens throughout the United States that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law, that they may be preserved in union, and in that peace which the world cannot give, and

after enjoying the blessings of this life, be admitted to those which are eternal. Amen.

Pledge of Allegiance to the Slag

Mrs. Roulston of Salem led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

A group of students from Goffstown High School in charge of Mr. Holmes, courtesy of Goffstown Delegation.

A group of students from the Amoskeag Grade School of Manchester in charge of Messrs. Horan and Guillemette, courtesy of Mrs. Ainley of Manchester.

A group of students from the Ashland High School in charge of Mr. Campbell, courtesy of Mr. Eastman of Ashland.

The 7th and 8th grade pupils of the Grantham School of Newport in charge of Miss Louise Osgood, courtesy of Miss Bailey of Newport.

Two classes of Woodbury High School Seniors of Salem, studying Contemporary Problems, in charge of Mr. Sullivan, courtesy of Mrs. Roulston of Salem.

Leaves of Absence

Mr. Spofford of Jaffrey was granted leave of absence for the day on account of illness.

Messrs. Gordon of Sandown and Branch of Goffstown were granted leaves of absence for the day on account of important business.

The Honorable Secretary of State appeared before the House, and delivered the following message from His Excellency Governor Powell:

Mr. Speaker and Members of the Honorable House of Representatives:

By this message, I am recommending establishment of a Division of Boards and Commissions within the Department of Administration and Control. Legislation to accomplish this is being introduced today.

The recommended Division would consolidate the clerical and secretarial duties of the following Boards and Commissions:

Accountancy	Embalmers
Architects	Engineers
Barbers	Medicine
Hairdressers	Optometry
Chiropody	Pharmacy
Chiropractic Examiners	Athletic
Dental	Psychologists

Veterinary Examiners

The Division would be under the direction of the Comptroller. Its central office in Concord would be managed by an Executive Secretary in the salary range \$4,498.00 to \$5,174.00. The position would be unclassified. The central office would have also one clerk-stenographer II. An Inspector of Services to perform routine inspection functions of the Boards and Commissions would be named. Careful inquiry has indicated that an Inspector who is a Registered Pharmacist would be qualified to do all required routine inspections. His salary range would be from \$4,240.08 to \$5,120.18 per annum. Carefull consideration establishes the fact that one full time Inspector would be sufficient.

Total Personnel Services, including temporary help, would be \$12,060.24 in 1960 and \$12,538.68 in 1961.

To establish administrative policy of the central office there would be an Advisory Board made up of one member of each of the Boards and Commissions.

This consolidation would not change or interfere with the professional functions of the Boards and Commissions. They would continue to compile and give examinations. Inspections would be made by the Boards and Commissions at their pleasure, and reports of inspections made by the Inspector of Services would be submitted direct to the respective Boards and Commissions along with his recommendations.

It is recommended that all revenues of all Boards and Commissions become General Fund Revenues Unrestricted and all appropriations for these agencies be from the General Fund.

This new legislation staggers certain dates of license expiration and registration in a manner to equalize the office work load over the year. Further, the Executive Secretary,

with the guidance of the Advisory Board, would set examination dates for the same reason.

This consolidation would provide an orderly, central location for the records of these Boards and Commissions and a central, properly kept file of all certificates, licenses and registrations. All office equipment now used or unused by these Boards and Commissions would be transferred to the central office.

Recommended appropriations include sufficient allowance for travel, including usual travel of the members of the Boards and Commissions, including usual convention travel.

I am recommending, however, that *per diem* pay to members of these Boards and Commissions be discontinued. There is keen competition within the professions for appointment to these various Boards and Commissions. To be selected is considered an honor, and rightly so. Most of those now serving with whom I have talked share my feeling that the honor — plus the opportunity for public service — makes unnecessary *per diem* pay for the limited time to be devoted to the work of the Boards and Commissions.

This better housekeeping consolidation of clerical and secretarial work is needed. The recommendations are an outgrowth of information developed before the Governor's Budget Committee and subsequent careful study by this office assisted by the Department of Administration and Control and Personnel Department. I have had personal conversations with various Board and Commission members with respect to these recommendations and have found general approval.

Although the primary purpose of these recommendations is to bring about proper housekeeping with respect to these important records, there would be a saving of \$21,079.76 for the biennium.

WESLEY POWELL,

Governor.

Introduction of Bills

The following bills were severally introduced, read a first and second time and referred as follows:

By Mrs. Atwood of Sanbornton, House Bill No. 438, An Act providing for the acquisition of certain dams and water rights by the water resources board. To the Committee on Resources, Recreation and Development.

By Mr. Bigelow of Warner, House Bill No. 439, An Act legalizing action taken at the Warner school district meeting. To the Committee on County Government.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing and reference to committee of House Bill No. 439, and that the bill be placed on third reading and final passage at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 439, An Act legalizing action taken at the Warner school district meeting, was read a third time, passed, and sent to the Senate for concurrence.

By Mr. Clement of Rochester, House Bill No. 440, An Act relative to longevity compensation for legislative service assistants. To the Committee on Executive Departments and Administration.

By Mr. Hunter of Hampton, House Bill No. 441, An Act to enlarge the advisory committee on shore fisheries. To the Committee on Fish and Game.

By Committee on Rules, Messrs. Kimball of Manchester, Lang of Manchester, Goode of Manchester, Dion of Manchester, Casey of Manchester and Betley of Manchester, House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis. To the Manchester Delegation.

By Mr. Gilman of Farmington, House Bill No. 443, An Act relative to motor vehicle warranty contracts. To the Committee on Insurance.

By the Committee on Rules (Mr. Vadney of Francestown) House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr., and C. George McClure, Jr. To the Committee on Claims.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr., and C. George McClure, Jr.

The Clerk read the House Joint Resolution in full.

On a *viva voce* vote the motion was adopted.

By Mr. Perry of Newbury, House Joint Resolution No. 46, Joint Resolution relative to state wide referendum on the question of types of taxation. To the Committee on Ways and Means.

By Mr. Gilman of Farmington, House Bill No. 444, An Act creating a division of boards and commissions under the department of administration and control. To the joint Committees on Executive Departments and Administration and Appropriation.

Mr. Pillsbury of Manchester moved that House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis, be recommitted to the committee on Rules, and spoke in favor of the motion.

Mr. Pillsbury of Manchester withdrew his motion.

Mr. Green of Manchester rose on a point of information.

(discussion ensued)

Personal Privilege

Mr. Pillsbury of Manchester rose on a point of personal privilege.

Introduction of Committee Reports

Mr. Bigelow of Warner, for the Committee on Claims to whom was referred House Joint Resolution No. 41, A Joint Resolution in favor of Walter R. MacCormack, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House joint resolution was ordered to a third reading.

Mr. Bigelow of Warner, for the Committee on Claims, to whom was referred House Joint Resolution No. 33, Joint Resolution in favor of John and Rosemary Cote, having considered the same, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said joint resolution by striking out the words "six hundred and thirty-nine dollars and fifty-four cents" in

the first line and inserting in place thereof the words, four hundred dollars; further amend said resolution by adding at the end thereof the words, and shall be in full and complete settlement of said claim, so that said joint resolution as amended shall read as follows:

That the sum of four hundred dollars is hereby appropriated to reimburse John and Rosemary Cote for damages incurred because of an accident at Rumney Depot on July 29, 1958. The sum hereby appropriated shall be a charge against the highway fund and shall be in full and complete settlement of said claim.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the House joint resolution was ordered to a third reading.

Mrs. Long of Kingston, for the Committee on Education, to whom was referred House Bill No. 337, An Act relating to private nursery schools, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gove of Concord, for the Committee on Judiciary, to whom was referred Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offense, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Tobin of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment, having considered the same, reported the same with the recommendation that the bill ought to pass.

Senate Bill No. 73 was referred to the Committee on Appropriations under the rules.

Mr. Green of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 293, An Act establishing a run-off primary, having considered the same, reported the same with the recommendation that the bill be referred to the Legislative Council for study and recommendation.

Miss Collyer of Lisbon moved that House Bill No. 293 be made a special order for 11:01 o'clock Tuesday, May 5th and spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke in favor of the motion.
Mr. Plumer of Bristol spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.
On a *viva voce* vote the motion was adopted.

Mrs. Griffin of Auburn, for the Committee on Judiciary, to whom was referred House Bill No. 320, An Act providing a time limitation for second offense of driving while intoxicated, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 321, An Act establishing an agreement on detainers, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 131, An Act relative to time for taking trout.

Introduction of a Senate Bill

Senate Bill No. 131, An Act relative to time for taking trout, was read a first and second time, laid on the table, and referred to the Committee on Fish and Game.

Mr. Bisbee of Derry moved that the rules of the House be so far suspended as to dispense with the reference to Committee on Senate Bill No. 131, and that the bill be placed on third reading and final passage at the present time, and spoke in favor of the motion.

(discussion ensued)

Messrs. Perry of Newbury, Bradbury of Claremont and Chandler of Bartlett spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 131, An Act relative to time for taking trout, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Reconsideration

Mr. Bisbee of Derry moved that the House reconsider its vote whereby it passed Senate Bill No. 131.

On a *viva voce* vote the motion did not prevail.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations.

House Bill No. 160, An Act providing a longer season and increased license fees for bow and arrow hunting.

House Bill No. 388, An Act legalizing the school district meeting held in Farmington on March 18, 1959.

House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro.

House Bill No. 396, An Act authorizing the city of Franklin to issue bonds.

The Senate Message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 161, An Act relative to bow and arrow hunting for deer on islands.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill.

Senate Bill No. 44, An Act relative to the probate of wills.

Report of Committee on Engrossed Bills

Mrs. Johnson of Monroe, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 180, An Act relative to hawks and owls and the taking of protected birds.

House Bill No. 212, An Act relating to the competency of notaries.

House Bill No. 215, An Act relating to statements of cashiers of national banks.

House Bill No. 388, An Act legalizing the school district meeting held in Farmington on March 18, 1959.

Senate Bill No. 44, An Act relative to the probate of wills.

Senate Bill No. 68, An Act relative to the powers of the city of Dover.

Senate Bill No. 65, An Act relative to advertising by motels, cabins and motor courts.

Senate Bill No. 112, An Act changing the name of Granite State Fire Insurance Company and New Hampshire Fire Insurance Company.

The Chair announced that today is the 39th birthday of Mrs. Ayre of Laconia.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and House joint resolutions by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House bills and House joint resolutions were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 337, An Act relating to private nursery schools.

House Bill No. 320, An Act providing a time limitation for second offense of driving while intoxicated.

House Bill No. 321, An Act establishing an agreement on detainees.

House Joint Resolution No. 33, Joint Resolution in favor of John and Rosemary Cote.

House Joint Resolution No. 41, Joint Resolution in favor of Walter R. MacCornack.

Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offense, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Neale of Hanover the House adjourned at 12:06 o'clock.

TUESDAY, APRIL 28, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Robert Swanson, of the Webster Congregational Church in Salisbury.

O Lord, from Whom all help comes, in Whom all power is, we ask that we be in Thy presence now. Thou great author of life we ask that Thou might know our ways and cares as we approach Thee this morning, that in Thy great knowledge Thou might minister to us. Thou art aware that each of us doest come with problems that differ in nature and kind, but we ask that as we pray with Thee that Thou might lift us and give us strength in his way. Thou who art a plumb line set in the midst of the world, who asks that men might love and show mercy, be near to those who lead our state. Painfully we are continually brought to the awareness that we are not islands unto ourselves but a part of a great nation and world. We ask that Thy guidance be with the leaders of this State that when matters are not absolutely clear they might have courage to make decisions. These things we ask in Thy name. Amen.

Pledge of Allegiance to the Flag

Senator Eaton of District No. 10 led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House:

Republican women of Cheshire and Sullivan Counties, courtesy of Mrs. DeLude of Unity and the County Delegations.

Students from Sandwich school in charge of Mrs. Elliott, courtesy of Mrs. Brown of Sandwich.

The Civics Club of the Sacred Heart School of Concord in charge of Reverend Bilodeau, courtesy of the Ward 6 Delegation.

The 8th grade of Thornton Elementary School in charge of Mrs. Hartwell, courtesy of Mr. Bradley of Thornton.

Students of Notre Dame High School of Berlin in charge of Sister Madeleine and Sister Therese-Emelie, courtesy of Senator Lamontagne and the Berlin Delegation.

Leaves of Absence

Mr. Marsh of Colebrook was granted leave of absence for the day on account of important business.

Messrs. Burrows of Claremont and Larty of Haverhill were granted leave of absence for the week on account of illness.

Messrs. Downing of Newport and Taft of Greenville were granted leave of absence for the week on account of important business.

Messrs. Foote of Portsmouth, Rice of Peterborough and Burbank of Laconia were granted indefinite leave of absence on account of illness.

Reports of Standing Committees

Mr. Oliver of Marlborough, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 328, An Act naming Kancamagus Highway, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

Mr. Chandler of Bartlett spoke in favor of the bill.

Mr. McGee of Lincoln spoke against the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 11 (new draft), An Act relative to engineering studies for future supplies of water for domestic uses, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Merrill of Exeter moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Messrs. Monahan of Hanover and Urie of New Hampton spoke against the motion.

Messrs. Gilman of Farmington and Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Messrs. Pickett of Keene, Guay of Lebanon, Kimball of Manchester and Hunter of Hampton spoke in favor of the motion.

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

The question is, shall the main question now be put?

On a *viva voce* vote the motion was adopted.

The question now being, shall the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate."

On a *viva voce* vote the motion was adopted and House Bill No. 11 (in new draft) was referred to the Committee on Appropriations under the rules.

Mrs. Gordon of Jaffrey, for the Committee on Ways and Means, to whom was referred Senate Bill No. 77, An Act to establish a new apportionment for the assessment of public taxes, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the Senate bill was ordered to a third reading.

Mr. Cormier of Somersworth, for the Special Committee consisting of the members from the city of Somersworth, to whom was referred Senate Bill No. 97, An Act relating to the compensation of supervisors of the check list of the city of Somersworth, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the Senate bill was ordered to a third reading.

Special Order

Mr. Terry of Westmoreland called for the Special Order on House Bill No. 103 (in new draft and new title), An Act relative to school buses.

The question is on the motion of Mrs. Davis of Concord that House Bill No. 103 be recommitted to the Committee on Transportation.

Mrs. Davis of Concord withdrew her motion.

The question now being on the amendment offered by Mrs. Frizzell of Charlestown.

(discussion ensued)

Mr. Hodgman of Pelham spoke in favor of the motion.

On a *viva voce* vote the amendment was adopted.

Mr. King of Manchester offered the following amendment:

Amend section 6 by striking out in lines 10 and 11 of the printed bill the words "he has determined that" so that said section as amended shall read as follows:

6 *Operation of Motor Vehicles.* Amend RSA 263:43 by striking out said section and inserting in place thereof the following: 263:43 *Overtaking and Passing School Bus.* The driver of a motor vehicle upon a highway upon meeting or overtaking from either direction any school bus plainly marked with school bus signs which has stopped on the highway for the purpose of receiving or discharging any school children shall stop his vehicle before reaching such school bus. The driver may then proceed slowly and cautiously, at his own risk, when no danger exists. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when such roadways are separated by a median strip so-called.

The Clerk read the amendment in full.

Mr. King of Manchester spoke in favor of the amendment.

(discussion ensued)

Mr. Terry of Westmoreland spoke in favor of the amendment.

(discussion ensued)

Mr. Crosby of Hillsborough spoke in favor of the amendment.

(discussion ensued)

Messrs. Snow of Gilmanton, Urie of New Hampton and Mrs. Frizzell of Charlestown spoke in favor of the amendment.

The question is on the amendment offered by Mr. King of Manchester.

On a *viva voce* vote the amendment was adopted.

Mr. Hodgman of Pelham offered the following amendment and spoke in favor of the amendment.

Amend the bill by striking out section 6 and renumbering section 7 to read section 6.

(discussion ensued)

Mr. Pickett of Keene moved that House Bill No. 103 with its amendments be referred to the Committee on Judiciary and spoke in favor of the motion.

Messrs. King of Manchester, Urie of New Hampton and Hodgman of Pelham spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill was referred to the Committee on Judiciary.

Personal Privilege

Mr. McGee of Lincoln rose on a point of personal privilege.

Ruling of Supreme Court

To the House of Representatives:

The undersigned Justices of the Supreme Court make the following answer to the inquiry contained in your resolution with reference to House Bill No. 435, entitled "An Act imposing a service fee on common carriers of passengers by air."

House Bill No. 435 would amend by adding thereto a new section, imposing upon carriers "engaged in this state in the business of common carrier of passengers for hire by aircraft" who use in connection with such business "a public landing area or areas constructed, operated or maintained in whole or in part through or with funds contributed by the state . . . a service fee of one dollar with respect to each passenger emplaning upon [their] aircraft at any such landing area." The bill provides further that the fees which it would impose shall be paid monthly to the New Hampshire aeronautics commission, and upon audit of the return required to be filed therewith, shall be forwarded to the State Treasurer to be covered into the aeronautical fund established by RSA 422:42. The bill further provides that nothing contained therein shall prevent the service fees so paid from being collected by the carrier from the passengers involved.

The charge proposed to be imposed is denominated by the bill a "service fee" for the use of "public" landing areas con-

structed, operated or maintained in whole or in part by state funds. *Cf. Opinion of the Justices*, 95 N. H. 548. No constitutional provision precludes the imposition of such a charge, provided it is reasonable recompense exacted for use of the facilities furnished. *Tirrell v. Johnson*, 86 N. H. 530; *Opinion of the Justices*, 94 N. H. 513. *Cf. Marine Corps League v. Benoit*, 96 N. H. 423.

By definition of the act which the bill would amend, an "air carrier" is a carrier engaged solely in intrastate transportation (RSA 422:3 II); and your inquiry is restricted to the question of possible violation of the Constitution of this State. We therefore have not felt called upon to express any opinion as to whether the proposed fee could be regarded as affecting interstate commerce, or in any way invalid as a violation of the United States Constitution, Art. 1, s. 8, cl. 3. And see 49 U.S.C.A., s. 1301 *et seq.* However we see no reason to anticipate objection to the proposed statute upon that ground. *Cf. Tirrell v. Johnson, supra; Aero Transit Co. v. Commrs*, 332 U. S. 495. The specific question embodied in your resolution is answered in the negative.

FRANK R. KENISON
LAURENCE M. DUNCAN
AMOS N. BLANDIN, JR.
EDWARD J. LAMPRON
STEPHEN M. WHEELER

April 23, 1959.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 132, An Act relative to bridges on the interstate highway in Concord.

Introduction of Senate Bill

Senate Bill No. 132, An Act relative to bridges on the interstate highway in Concord, was read a first and second time, and referred to the Committee on Public Works.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to dispense with the reference to Committee of Senate Bill No. 132.

The Clerk read the bill in full.

Mr. Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion prevailed.

Mr. Gilman of Farmington offered the following amendment and spoke in favor of it.

Amend the title of said bill by striking out the same and inserting in place thereof the following.

An Act naming an interstate highway.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. That portion of the Interstate Highway beginning at the traffic circle in Concord at the termination of the Frederick C. Everett Highway and extending to the Vermont connection shall be known as the Senator Styles Bridges Highway.

(discussion ensued)

Mr. King of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

The Senate message further announced that the Senate had passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 116, An Act relative to the construction of state armories.

Senate Bill No. 124, An Act relative to the advertising of alcoholic liquor or beverages.

Senate Bill No. 126, An Act authorizing harbormasters to make arrests for violation of law.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 116, An Act relative to the construction of state armories, to the Committee on Appropriations.

Senate Bill No. 124, An Act relative to the advertising of alcoholic liquor or beverages, to the Committee on Liquor Laws.

Senate Bill No. 126, An Act authorizing harbormasters to

make arrests for violation of law, to the Committee on Judiciary.

The Senate message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 439, An Act legalizing action taken at the Warner school district meeting.

House Bill No. 314, An Act relative to the effective date of federal-state old age and survivors insurance agreements.

The Chair announced that today is the birthday of the following House members:

Mr. Bragg of Lancaster, Mrs. Weeks of Greenland and Mr. DeGrace of Manchester.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 77, An Act to establish a new apportionment for the assessment of public taxes.

Senate Bill No. 97, An Act relating to the compensation of supervisors of the check list of the city of Somersworth.

Senate Bill No. 132, An Act naming an Interstate Highway, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

House Bill No. 328, An Act naming Kancamagus Highway, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Miss Whipple of Lebanon the House adjourned at 1:09 o'clock.

WEDNESDAY, APRIL 29, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend John Cornelius, of the Methodist Churches at Lisbon and Landaff.

In this historic place, Almighty God, we pause a moment to ask Thy blessing before we begin our day's work. Make us aware that Thou hast entrusted to this group the power of decision concerning the great issues of our day.

Create within them the awareness that without Thee they are not equal to the task. Make them mindful that the basis upon which they should govern is in accordance with the principles of truth, justice and honor. Remind them constantly that Thou art the source of truth; Thou art the fount of justice; Thou art the standard of honor. In Thee is to be found their help.

Eternal God, who art the source of all need, the rule of all action, be especially with the members of this Legislature this day. Give them wisdom for their thinking, patience for their problems, understanding for their dealing in human relations, courage for their decisions and satisfaction for their work. Deliver them from any cowardice that turns its back on new truth; from any self-satisfaction that is content with half truth and from any pride that thinks it knows all the truth. Make them aware that they serve their state and their people best by keeping themselves close to Thee. Help them to live above the noise of the crowd so that they may hear Thy "still, small voice" and follow its message. May this be their guide today and every day. In Thy name we pray. Amen.

Pledge of Allegiance to the Flag

Mr. Clement of Landaff led the Convention in the Pledge of Allegiance to the Flag.

House

Qualified

Mr. Montgomery of Hopkinton, having qualified before Acting Governor, Norman A. Packard, appeared during the session and took his seat as a member of the House and was introduced by the Chair.

Leaves of Absence

Miss Faulkner of Keene was granted leave of absence for the day on account of illness.

Mr. Hodgman of Pelham was granted an indefinite leave of absence on account of illness.

Mr. Haskins of Lyme was granted leave of absence for today and tomorrow on account of illness in the family.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid on the table for printing, and referred as follows:

By Mr. Pickett of Keene, House Bill No. 445, An Act to provide safety to the patients and occupants of nursing, convalescent and old age homes. To the Committee on Public Health.

By Mr. Hunter of Hampton, House Bill No. 446, An Act to provide for a budget committee for cooperative school districts. To the Committee on Education.

Concurrent Resolution

Mr. King of Manchester introduced the following concurrent resolution: inviting Chief Justice Kenison to address the General Court.

Resolved, by the House of Representatives, the Senate concurring that the Honorable Frank R. Kenison, Chief Justice of the Supreme Court of New Hampshire, be invited to address the Legislature in Joint Convention on Thursday, April 30, 1959.

On a *viva voce* vote the concurrent resolution was adopted.

Reports of Standing Committees

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred House Bill No. 324, An Act relative to the charter of the Bristol Savings Bank, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred Senate Bill No. 53, An Act relating to

the North Conway Loan and Banking Company, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Messrs. Crosby of Hillsborough and Dutton of Peterborough, for the Committee on Banks and Judiciary, to whom was referred House Resolution relative to questions on House Bill No. 272, An Act relative to bank holding companies, to be submitted to the Supreme Court, having considered the same, reported the same with the following amendment, and the recommendation that the resolution as amended be adopted,

Amend said resolution by striking out the same and inserting in place thereof the following:

Whereas House Bill No. 272, An Act relating to bank holding companies is now pending in the House of Representatives,

Whereas, questions have been raised concerning the constitutionality of the provisions of said bill, now therefore

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1 Do the provisions of House Bill No. 272, An Act relating to bank holding companies violate the Constitution of The State of New Hampshire, the Constitution of the United States or any federal statutes relative to bank holding companies?

2 Would a regulatory bill providing for the approval or disapproval by a bank holding company commission of the acquisition of the stock of a bank by a bank holding company conflict with or violate the constitution of the state or the Constitution of the United States or any federal statute?

3 Would a bill limiting the total deposits or resources, expressed in terms of percentage of total bank deposits or resources in the state, which a bank holding company could acquire through acquisition of stock of other banks conflict with or violate the Constitution of this state or the Constitution of the United States or any federal statute?

Further Resolved, That the Speaker of the House of Representatives transmit to the Supreme Court forthwith six

copies of said House Bill together with copies of this resolution.

On a *viva voce* vote the amendment was adopted.

The question now being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Mrs. Chase of Concord, for the Committee on Education, to whom was referred House Bill No. 312, An Act relative to technical institutes, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 312 was referred to the Committee on Appropriations under the rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 308, An Act relating to school building aid for the school district of Mason, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Bates of Chichester, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax assessment, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Tax Commission.* Amend RSA 71:12 by striking out said section and inserting in place thereof the following: 71:72 *Re-Assessments.* Whenever it comes to the attention of the tax commission by specific complaint, or from other sources, that an assessment has not been made, or that an assessment is fraudulent, improper, unequal or illegal, the commission when in its opinion such action is advisable or necessary may order an assessment or re-assessment thereof in any assessment district.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 *Time Limitation.* Amend RSA 71:13 (supp) as amended by 1955, 297:1 by striking out said section and in-

serting in place thereof the following: 71:13 *Procedure for.* When selectmen or assessors are ordered to make such assessment or re-assessment the same shall be made within thirty days unless the time is extended by the tax commission, provided however that when the order to assess or re-assess is made within thirty days of the end of the tax year the assessment or re-assessment shall be made before the fifth day preceding the end of the tax year or the commission shall then make the assessment or re-assessment. If such assessment or re-assessment is not made within thirty days or any extension thereof or is not satisfactory to the tax commission, the commission may make it.

The Clerk read the amendment in full.

At the request of Mr. King of Manchester, Mr. McMeekin of Haverhill explained the bill.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Henry of Concord, for the Committee on Judiciary and Aviation, to whom was referred House Bill No. 72 (In New Draft), An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 331, An Act to provide for the appointment of guardians of either the person or property of minors, or both, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 346, An Act relative to terms of court for Grafton County, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 369, An Act relative to transfers of certain juvenile cases to the superior court, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Eastman of Exeter, for the Committee on Judiciary to whom was referred House Bill No. 370, An Act concerning trustee process on county officials or employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Underhill of Nashua, for the Committee on Liquor Laws to whom was referred House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "serve" in the fourth line the words, or otherwise handle; further amend said section by adding at the end thereof the words, and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment, so that said section as amended shall read as follows:

1 *Liquor and Beverage*. Amend RSA 175:8 by striking out said section and inserting in place thereof the following: 175:8 *Employment of Minors*. No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage. Provided, however, that the holder of an off-sale permit may

employ minors of not less than eighteen years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Watson of Belmont, for the Committee on Municipal and County Government to whom was referred House Bill No. 271, An Act relative to the fees for license to carry pistols and revolvers, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Desnoyer of Claremont, for the Committee on Municipal and County Government to whom was referred House Bill No. 327, An Act establishing a central purchasing department for towns, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 31:57-d as inserted by section 1 of said bill by adding at the end thereof the words, nothing in this subdivision shall be construed as affecting in any way a school district, or the purchase of supplies therefor, located in a town which has voted to establish a purchasing department for the town, so that said section as amended shall read as follows:

31:57-d *Application of Subdivision.* In any town which has voted to establish a purchasing department as provided in this subdivision the authority of any official or board to make purchases shall be suspended during the time said provisions are in effect. Nothing in this subdivision shall be construed as affecting in any way a school district, or the purchase of supplies therefor, located in a town which has voted to establish a purchasing department for the town.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Kinghorn of Piermont, for the Committee on Municipal and County Government, to whom was referred House

Bill No. 399, An Act legalizing certain action taken by the town of Raymond, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bouthillier of Nashua, for the Committee on Municipal and County Government, to whom was referred House Bill No. 397, An Act legalizing the school district meeting held in South Hampton on March 17, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 290, An Act relative to the destruction of records of conditional sales and chattel mortgages, having considered the same, reported the same with the following amendment. and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to records of conditional sales and chattel mortgages.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Voiding Certain Records*. Amend RSA by inserting after chapter 360 the following new chapter:

Chapter 360-A

Records of Conditional Sales and Chattel Mortgage

360-A:1 *Destruction of Certain Records Authorized*.

From and after January 1, 1960, all undischarged chattel mortgages and conditional sales contracts which shall have been on record for a period of more than ten years and which attain such age subsequent to January 1, 1960, shall be void, and may be destroyed by the town clerk with the approval of the board of selectmen; provided, however, that a chattel mortgagee, conditional vendee or assignee of such chattel mortgage or conditional sales contract may continue the same in its full legal effect and priority, for an additional period of

ten years from date of such action by recording at any time within such ten-year period an affidavit signed by the chattel mortgagee, conditional vendee or assignee stating that the chattel mortgage or conditional sales contract is not discharged but is still in full force and effect. On receiving such an affidavit the town clerk shall retain the chattel mortgage or conditional sales contract for a period of ten years. All such chattel mortgages or conditional sales contracts which shall have been on record for a period of more than ten years on or before January 1, 1960, shall become void on January 1, 1960, unless prior to that date the chattel mortgagee, conditional vendee or assignee of such a chattel mortgage or conditional sales contract shall have recorded an affidavit signed by him, stating that the mortgage is not discharged but is still in full force and effect, and upon the recording of such an affidavit such mortgage shall retain its full legal effect for ten years from the date of such recording and shall be retained by the town clerk for such a period. Any chattel mortgage or conditional sales contract which has been discharged may be destroyed by the town clerk with the approval of the board of selectmen after it has been on record for a period of ten years.

2 Takes Effect. This act shall take effect sixty days after its passage.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Chandler of Bartlett moved that the order whereby House Bill No. 433, An Act relating to the taxation of banks, was referred to the Committee on Banks be vacated and the bill referred to the Joint Committees consisting of Banks and Ways and Means.

On a *viva voce* vote the motion was adopted.

Mr. Rufo of Concord moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The Special Committee consisting of the members from the City of Concord to whom was referred House Bill No. 154, An Act relative to the use of fluorine in public water supplies, having considered the same, reported the same in new draft and with new title with the following Resolution:

Resolved, That the bill in its new draft and with its new title be laid on the table to be printed and recommitted to the Concord Delegation.

On a *viva voce* vote the resolution was adopted.

Introduction of a Bill

House Bill No. 154 (in new draft and new title), An Act relative to the use of fluorine in public water supplies, was read a first and second time, laid on the table for printing and referred to the Concord Delegation.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously passed on by the Rules Committee and spoke in favor of the motion.

On a *viva voce* vote the resolution was adopted.

Introduction of a Bill

House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air, was read a first and second time, laid on the table for printing, and referred to the Joint committees consisting of Aviation and Ways and Means.

Senate Messages

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled concurrent resolutions sent up from the House of Representatives:

Resolved, by the House of Representatives, the Senate concurring, That the Honorable Frank R. Kenison, Chief Justice of the Supreme Court of New Hampshire, be invited to address the Legislature in Joint Convention on Thursday, April 30, 1959.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following House bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 305, An Act relative to investments of credit unions.

Amend 394:17 by striking out the same and inserting in place thereof the following:

394:17. *Use of Funds*, While awaiting calls of its members for loans, it may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in this state, or, by majority vote of the board of directors and with the approval of the commissioner, cooperative bank, building and loan association, in any savings bank, trust company, federal savings and loan association, or national bank in New England or, with like vote and approval, may make loans to other credit unions chartered under the laws of this state provided that the lending credit union has assets of one hundred thousand dollars or more. It may invest any surplus funds in obligations of the United States government or of the state, or of any county, city or town of the state, issued pursuant to authority of law.

On motion of Mr. Dutton of Peterborough the House concurred in the amendment sent down from the Senate.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following House bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 279, An Act relative to purchase and selling of live poultry.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect*. This act shall take effect on April 1, 1960.

On motion of Mr. Clement of Landaff the House concurred in the amendment sent down from the Senate.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

Introduction of a Senate Bill

Senate Bill No. 71, An Act relative to verification of in-

dividual savings deposit books, was introduced, read a first and second time, and referred to the Committee on Banks.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 301, An Act adopting the uniform rendition of prisoners as witnesses in criminal proceedings act.

House Bill No. 233, An Act coordinating the retirement age for women employees under the state employees' retirement system with that provided under the Federal Social Security Act.

House Bill No. 71, An Act relative to veterans' burial expenses.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 85, An Act relative to a vacancy in the office of mayor of the city of Berlin.

Report of Engrossed Bills Committee

Mr. Lacasse of Berlin, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations.

House Bill No. 160, An Act providing a longer season and increased license fees for bow and arrow hunting.

House Bill No. 314, An Act relative to the effective date of federal-state old age and survivors insurance agreements.

House Bill 396, An Act authorizing the city of Franklin to issue bonds.

House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro.

House Bill No. 439, An Act legalizing action taken at the Warner school district meeting.

Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offense.

Senate Bill No. 131, An Act relative to time for taking trout.

Resolutions

Messrs. Pickett of Keene and Maloomian of Somersworth introduced the following resolutions:

Whereas, May first has been designated Loyalty Day by the Veterans of Foreign Wars of the United States, and

Whereas, Loyalty Day means much to all of us, being non-sectarian and non-partisan, giving citizens an opportunity to display their loyalty and to rededicate their faith in the United States and in the freedoms for which it stands, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, commend the members of the Veterans of Foreign Wars throughout the nation for their loyalty to the United States and to our flag and for setting aside this day as one of special observance.

On a *viva voce* vote the resolutions were adopted.

Mr. Waterhouse of Windham introduced the following resolutions:

Whereas, Alton Hodgman, Representative from Pelham, is ill in the hospital, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, extend to our Fellow Member our sympathy in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Hodgman a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

Mr. MacIsaac of Laconia introduced the following resolutions:

Whereas, Henry I. Burbank, Representatives from Laconia, is ill in Laconia Hospital, therefore be it

Resolved, That we the members of the House of Representatives of the New Hampshire General Court, extend to our Fellow Member our sympathy in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Burbank a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that today was the birthday of Mr. Crowley of Manchester.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 324, An Act relative to the charter of the Bristol Savings Bank.

House Bill No. 308, An Act relating to school building aid for the school district of Mason.

House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax reassessment.

House Bill No. 72, In New Draft, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures.

House Bill No. 331, An Act to provide for the appointment of guardians of either the person or property of minors, or both.

House Bill No. 370, An Act concerning trustee process on county officials or employees.

House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws.

House Bill No. 271, An Act relative to the fees for license to carry pistols and revolvers.

House Bill No. 327, An Act establishing a central purchasing department for towns.

House Bill No. 397, An Act legalizing the school district meeting in South Hampton on March 17, 1959.

House Bill No. 290, An Act relative to the destruction of records of conditional sales and chattel mortgages.

Senate Bill No. 53, An Act relating to the North Conway Loan and Banking Company, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Miss Collyer of Lisbon the House adjourned at 12:06 o'clock.

THURSDAY, APRIL 30, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend C. Shannon Morgan, of the Pittsfield Congregational Church.

O Thou eternal God, Thou Creator and Sustainer of all mankind, before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God; so teach us to number our days that we may apply our hearts unto wisdom.

Praised be Thou, O Lord our God, ruler of the world, who has placed in our hands all the power that we have. Unto Thee all hearts are open, all desires known, and from Thee no secrets are hid. We ask that Thou wouldst grant Thy richest blessings, all Thy loving kindness and goodness, and the wisdom of Thy guidance upon the session of this legislative assembly today. Make us aware of our duty to Thee, our responsibility to the people we would serve, and keep us faithful to the best we have learned in life and the ways of our heavenly Father.

Give to the honorable members of this Body honest minds and pure motives, basic convictions and stout hearts, that they may deliberate conscientiously and legislate fairly.

Make us determined to live by truth, to found our common life on the eternal foundation of righteousness and love. Help us to make the welfare of all the supreme law of our land, that so our commonwealth may be built strong and secure on the love of all its citizens. Cast down the throne of Mammon who ever grinds the life of men, and set up Thy throne, O Christ, for Thou didst die that men might live.

Praised be Thou, O Lord our God, ruler of the universe: for Thine is the Kingdom and the Power. To Thee be Glory forever. Amen.

Pledge of Allegiance to the Flag

Mrs. Ayer of Pittsfield led the Convention in the Pledge of Allegiance to the Flag.

Guest Speaker

The Chair introduced the Honorable Frank R. Kenison, Chief Justice of the New Hampshire Supreme Court who addressed the Joint Convention as follows:

Mr. Speaker, Mr. President, and Honorable Members of the Senate and the House of Representatives:

On behalf of the Judiciary in the state it is deemed an honor and a privilege to be invited to speak to you today on the occasion of Law Day U.S.A. This event presents a welcome opportunity for an interchange of ideas between the Judiciary and the Legislature and it is believed it may be helpful as a means of understanding the functions and tasks of the other.

Prominently displayed on a desk of one of the presidential aides in Washington is a small sign reading: "Do you come with a solution — or are you part of the problem?" I confess that I have no solution but I promise that I will not add to your many existing problems. Our modest task, in the few brief moments that follow; is to remind you what you may already know about law and Law Day, but which all of us at times tend to minimize and take for granted on some occasions and at other times forget completely.

The President of the United States has by proclamation designated Friday, May 1, 1959, as Law Day U.S.A. He has urged the people to observe this day by appropriate ceremonies so that we will remember and rededicate both our thinking and our actions toward the unifying principle that law gives to our guaranteed fundamental rights as citizens. Similar proclamations have been issued by the Governor of this state and the Mayor of your city calling for the same objective. They all urge that we guard our heritage and give practical meaning to the concepts of liberty, justice and quality under law which we have maintained and continue to improve. And so today in schools, in the State House, courthouses, and in the meeting places of civic groups in New Hampshire, and every other state in the Union, we shall emphasize the importance of law to our citizens and our state.

It is particularly appropriate that the New Hampshire Legislature is celebrating Law Day U.S.A. because it has a goodly heritage for which it may be justly proud. In the field of education and learning we may point to the fact that beginning in 1822 the town of Dublin had the first free public library in the Nation supported by voluntary contributions, followed in 1833 by the town of Peterborough with the first free public library supported by a public tax. In 1849 the New Hampshire Legislature enacted the first library law in the United States providing for the establishment of public libraries (Laws 1849, c. 861). More than a century ago in 1847 it was the first state of the Union to establish a law regulating the maximum hours of labor. (Laws 1847 c. 488). In the field of insurance this Legislature was the first in the Nation to establish an insurance board in 1851. (Laws 1851, c. 1111).

Coming down to more recent times the first credit union association in the United States was established in Manchester in 1908 and was chartered by the Legislature on April 6, 1909 (Laws 1909, c. 303). In 1943 the New Hampshire Legislature was the pioneer in enacting a statute for the registration and regulation of public and charitable trusts. Laws 1943, c. 181. This legislation, with its amendments, has served as a model for enactment by other states. In 1957, this Legislature was the first in the Nation to provide a general act to promote the safety of the public in the use and operation of passenger tramways. Laws 1957, c. 254. This list could be lengthened but it serves its purpose to illustrate that the New Hampshire Legislature has been and continues to be receptive to progressive legislation in the public interest and in numerous instances it has been the pioneer in the field.

It is a popular pastime to complain that the Legislature passes too many laws. Probably any candid observer would agree that not every statute enacted is of earth-shaking consequence but even if the complaint has some validity, it may be suggested that these critics are wide of the mark. What is frequently overlooked is that most laws passed by this Legislature fulfill some social want which the people, or a large segment of them, consider necessary in the government of today. It may be true that experience will prove them to be incorrect tomorrow but at least the progressive power of trial

and error has operated in the open in a truly representative manner.

In no state is the legislative process more democratic than here. We can say with certainty in this state that no man or woman is too small, or too unimportant, or too insignificant, to be denied the full opportunity to present his case in open and public hearing before legislative committees on all bills in both houses. This may not be the most efficient or the least inexpensive way of enacting statutes but it is democracy in its fullest flower. It is a reaffirmation of our firm belief that the process of achieving progress is fully as important as the end result.

It is a mistake however to think of law as only a statute, or a court decision, or a constitutional provision, or a city ordinance. These are rules of law which may be changed, repealed, or superseded. Law is more than rules of law just as a human being is more than the chemical constituents of his body. Law also includes a binding cement of morality and permanence which gives it the necessary stability and respect that is required for its continued acceptance by the people. While the definitions of law have been many and varied throughout history, they have the common denominator of commanding what is right and prohibiting what is wrong. We have law because man has invented no other or better means by which we can obtain justice amid the inevitable and constantly recurring conflicts between individual liberty on the one hand and security and order for the state on the other hand.

We can be proud that our local dedication to Law Day is symbolic of its national observance in radio, television, newspapers and weekly magazines, large and small, throughout the United States. When one stops to consider that this is the second time the states and the Nation have set aside a time to honor the law and its meaning to Americans, one realizes how easy it is for John Q. Public to forget that which he takes for granted. Yet it is the law that provides the policeman on the corner, the fireman on the everready, the dedicated teacher in the classroom, and regulates the numerous public services that make for security for the individual citizen. It is the law that guarantees your right to vote, to have your day in court, to express your opinions without previous restraint and to express your grievances to those whom you have chosen to gov-

ern whether they be local, state or national officials. It is the law that promotes your right to know and your right to an education. For the citizen to take these rights for granted is dangerous. For the citizen to forget these rights is disastrous. Freedom under law as our forefathers wanted it was not granted. Freedom under law that the youth of tomorrow wants will not be maintained if you forget to nurture and cherish it. Many years ago an astute student of government, Edmund Burke, made a wise observation. He said: "All that is necessary for the triumph of evil, is that good men do nothing. It is the fervent hope and the justifiable belief of those who support Law Day that the legislators and citizens of today will avoid this pitfall for their own benefit tomorrow.

Law is a spirit and a frame of mind in addition to the basic ingredients of a constitution, a statute, and a court decision. This is exemplified in the relationship of the three great departments of our government — the legislative — the executive — the judiciary. Each is independent of the other in its own sphere and yet each is interdependent upon the proper functioning of the other. It is the spirit of the law, for instance, which has compelled the judiciary to say, as it has done time and time again, that the policy and wisdom of a statute is the sole prerogative of the Legislature. The Judiciary has adhered faithfully in this basic premise and continues to do so. So long as the statute springs from a constitutional power and serves a plausible public interest we have been steadfast in the spirit of the law in upholding the legislative branch of the government.

If Law Day were a routine matter, it would be proper to discuss it at length and at random. But the importance of law to all of us is of such prime significance that we have attempted to treat it with the planned care that brevity compels. And so we conclude on a statement from one who is an outstanding authority on law in the English-speaking world, Dean Roscoe Pound, who has captured the meaning of Law Day in the concise capsule of a single powerful sentence: "The law is the highest inheritance a sovereign people has, for without the law there would be no sovereign people and no inheritance."

On motion of Senator Lamontagne of District No. 1 the Convention rose.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

A group of students from the Cutler School of Swanzeey accompanied by Mrs. Adams, courtesy of the Swanzeey Delegation.

A group from the Pilgrim Fellowship of the Pittsfield Congregational Church accompanied by Reverend Mr. Morgan, courtesy of the Pittsfield Delegation.

Leaves of Absence

Messrs. Peever of Salem, Bigelow of Warner, Galloway of Walpole and Mrs. Brown of Sandwich, were granted leaves of absence for the day on account of important business.

Introduction of Bills

By the Committee on Rules (Mr. Rowell of Newport) House Bill No. 448, An Act legalizing the annual town meeting held in the town of Croydon on March 10, 1959. To the Committee on Municipal and County Government.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to dispense with the printing and reference to committee of House Bill No. 448 and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Reconsideration

Mr. Deans of Milford moved that the House reconsider its vote whereby it voted to dispense with the printing of House Bill 448 and reference to committee and subsequently withdrew his motion.

House Bill No. 448 was ordered to a third reading.

By the Committee on Rules (Mr. Rufo of Concord) House Bill No. 449, An Act relative to allowances for mileage for members of the general court from Concord. To the Committee on Mileage.

By the Committee on Rules (Mr. Pickering of Meredith) House Bill No. 450, An Act relative to red lights on motor vehicle service trucks. To the Committee on Transportation.

Reports of Standing Committees

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Joint Resolution No. 36, A Joint Resolution relative to special appropriation for the cancer commission, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Bigelow of Warner, for the Committee on Claims to whom was referred House Joint Resolution No. 43, A Joint Resolution in favor of the estate of Lewis A. Nelson, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mrs. Chase of Concord, for the Committee on Education to whom was referred House Bill No. 347, An Act relating to building aid for cooperative school districts, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Bradley of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Bates of Chichester, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 262, An Act relative to the examination and licensing of electricians, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Snow of Gilmanton, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 414, An Act continuing the work of the economic growth survey committee, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 414 was referred to the Committee on Appropriations under the rules.

Mr. Daneault of Hudson, for the Committee on Municipal and County Governments, to whom was referred Senate Bill

No. 99, An Act relative to recounts of ballots after an election, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Deans of Milford explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Downing of Newport, for the Committee on Municipal and County Government, to whom was referred House Bill No. 385, An Act regulating the Goffstown police department, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Hunter of Hampton, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 249, An Act relative to the operation of passenger tramways, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the sixth line the word "reasonable" and inserting in place thereof the word, proper; further amend by inserting at the end of the sixth line the word, commission, so that said section as amended will read as follows:

1 *Passenger Tramways.* Amend RSA 225-A:1 (supp) as inserted by 1957, 254:1, by striking out said section and inserting in place thereof the following: 225-A:1 *Declaration of Policy.* It shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts and tramways, to ensure that proper design and construction are used, that commission accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts, and passenger tramways. The primary responsibility for design, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices, established reasonable standards of design and opera-

tional practices and make such independent inspections as may be necessary in carrying out this policy.

Amend section 6 of the bill by striking out in the fourth line the word "unduly" so that said section as amended shall read as follows:

6 *Prohibition.* Amend RSA 225-A (supp) as inserted by 1957, 254:1, by inserting after section 19 the following new section: 19-a *Operation Forbidden.* If in any such case the board is of the opinion that the public safety would be endangered by the use of the tramway for the transportation of passengers prior to the taking of some or all of such corrective action, it shall so state in said order, and shall require in said order that the tramway shall not be so used until specified corrective action shall have been taken. From and after receipt of said order by the operator said tramway shall not be used for the transportation of passengers without the approval of the board. Applications for a hearing before the board shall not have the effect of suspending said order. Operation of the tramway following receipt of such order may be enjoined by the superior court.

Mr. Monahan of Hanover moved that reading of the amendment be dispensed with and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Monahan of Hanover spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Ainley of Manchester, for the special committee consisting of the members from the city of Manchester to whom was referred House Bill No. 401, An Act establishing the Manchester Airport Authority, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Ainley of Manchester, for the Special Committee consisting of the members from the city of Manchester to whom was referred Senate Bill No. 51, An Act changing the title of the commissioner of charities of the city of Manchester, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

HB 110, An Act relative to town aid to veterans.

Amendment to House Bill No. 110

Amend section 1 of the bill by striking out in the last line of said section the words "of the poor" and inserting in place thereof the following, of public welfare, so that said section as amended shall read as follows:

1 *Veterans' Relief*. Amend RSA 165:5 by striking out the words "or navy, including the marine corps" and inserting in place thereof the words, navy, including the marine corps, coast guard, or the air force, so that said section as amended shall read as follows: 165:5 *Who Entitled*. Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Mr. Deans of Milford moved that the House concur in the amendment sent down by the Senate.

On a *viva voce* vote the motion was adopted.

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 139, An Act legalizing a 1959 meeting of the Hudson School district.

Senate Bill No. 58, An Act exempting hospitals, nursing homes, orphanages and homes for the aged from certain requirements relating to Sunday work.

Introduction of Senate Bills

The following Senate bills were read a first and second time and referred as follows:

Senate Bill No. 139, An Act legalizing a 1959 meeting of the Hudson School District, to the Committee on Municipal and County Government.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to dispense with committee reference and that Senate Bill No. 139 be placed on third reading and final passage at the present time and spoke in favor of the motion.

Mr. Gamache of Hudson spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 139 was read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 58, An Act exempting hospitals, nursing homes, orphanages and homes for the aged from certain requirements relating to Sunday work, was read a first and second time and referred to the committee on Labor.

Reconsideration

Mr. Green of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 401, An Act establishing the Manchester Airport Authority, and spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester offered the following amendment.

Amend section 9 of the bill by striking out said section and inserting in place thereof the following:

9. *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the adoption of its amendment to the following entitled bill:

Senate Bill No. 132, An Act naming an interstate highway.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 281, An Act relative to the term of office of town auditors in certain cases.

HB 334, An Act authorizing certain deductions from retirement benefits of state employees.

HB 189, An Act relative to municipal budget law.

The Chair announced the wedding anniversaries of the following members:

50th wedding anniversary of Mr. and Mrs. Edward Champagne of Manchester.

48th wedding anniversary of Mr. and Mrs. John Mulaire of Hooksett.

27th wedding anniversary of Mr. and Mrs. George M. McGee of Lincoln.

21st wedding anniversary of Mr. and Mrs. George L. Cheney of Newton.

21st wedding anniversary of Mr. and Mrs. John J. Kearns of Manchester.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it adopted the resolution of the Committee on House Bill No. 262 and spoke in favor of the motion, but subsequently withdrew his motion.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only and third readings of House Joint Resolutions by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolutions were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 448, An Act legalizing the annual town meeting held in the town of Croydon March 10, 1959.

House Joint Resolution No. 36, Joint Resolution relative to special appropriation for the cancer commission.

House Joint Resolution No. 43, Joint Resolution in favor of the estate of Lewis A. Nelson.

House Bill No. 347, An Act relating to building aid for cooperative school districts.

House Bill No. 385, An Act regulating the Goffstown police department.

House Bill No. 249, An Act relative to the operation of passenger tramways.

House Bill No. 401, An Act establishing the Manchester Airport Authority.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 99, An Act relative to recounts of ballots after an election.

Senate Bill No. 51, An Act changing the title of the commissioner of charities of the city of Manchester.

On motion of Mrs. Johnson of Monroe the House adjourned at 12:24 o'clock.

TUESDAY, MAY 5, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend John S. Marsh, of Wentworth, N. H.

Oh God, Our Father ***

We pause here at the portal of another day's affairs, to ask Thy help and Thy blessing. We acknowledge that without Thee, our human efforts are vain.

Grant wisdom and understanding to these Thy servants!

Help them to realize afresh, the privilege and the responsibility, which is theirs in working together with Thee.

We are all concerned, dear God, that from these halls there may go forth life and health and real happiness for all the people of this great commonwealth.

We would yield up our wills and our lives to Thee, so that through us may flow Thy commands, the doing of Thy will, and the building of Thy kingdom of love and true brotherhood.

This we pray through Jesus Christ our Lord. Amen.

Pledge of Allegiance to the Flag

Mr. Breck of Wentworth led the Convention in the Pledge of Allegiance to the Flag.

The Convention was entertained by the Sanborn Seminary Band of Kingston, conducted by Mr. Alfred Engell.

On motion of Senator Battles of District No. 23 the Convention rose.

House

Introduction of Guests

The Chair introduced the following as guests of the House today:

The Rev. John Marsh and his wife, the Rev. Dorothy Marsh, who returned four years ago from Southern Rhodesia, Africa, where they spent 29 years in varied missionary work. A Yale University and Hartford Seminary graduate, Mr. Marsh was Superintendent of Churches and Schools in a tribe of about 40,000 natives, and often preached in the Chindau language to congregations of a thousand Africans. Mrs. Marsh also preached and taught — especially women and children, and prepared literature for the increasing number of literate people emerging from primitive life. During their three decades in Africa the Marshes saw great progress but also many problems looming larger, particularly in the line of race relations and growing nationalism. Having worked for over three years now in the yoked parish of West Rumney and Wentworth, Mr. and Mrs. Marsh have become enthusiastic citizens of New Hampshire, taking part in Community enterprises.

A group of students from Milford High School in charge of Mr. George J. Vlangas, courtesy of the Milford Delegation.

A group of students from the Gossler School of Manchester, charge of Miss Margarette Cronin, courtesy of Councilor Brassard.

A group of students from the Sanborn Seminary of Kingston, charge of Mr. Douglas Cooke, courtesy of Mrs. Long of Kingston.

Leaves of Absence

Mr. Allen of Rindge was granted leave of absence for the week on account of illness.

Messrs. Pickering of Meredith and Pinkham of Northwood were granted leaves of absence for the day on account of illness.

Mrs. Long of Kingston was granted leave of absence for the week on account of important business.

Introduction of Bills

The following House Bills were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Hambleton of Goffstown, House Bill No. 451, An Act relative to establishing an additional polling place for the election of town officers in the town of Goffstown. To the Committee on Municipal and County Government.

By Mr. Pillsbury of Manchester, House Bill No. 452, An Act providing for salaries of classified state employees and salaries of unclassified state employees. To the Committee on Executive Departments and Administration.

By the Committee on Rules (Mr. Geisel of Manchester) House Bill No. 453, An Act relative to limitations on investments of savings banks. To the Committee on Banks.

By Mr. Hancock of Concord, House Bill No. 454, An Act amending the benefits payable upon retirement. To the Committee on Executive Departments and Administration.

By Mr. Coutermarsh of Lebanon, Mr. Monahan of Hanover and Miss Whipple of Lebanon, House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority. To the Committee on Aviation.

Supreme Court Decision

To the House of Representatives:

The undersigned, the Justices of the Supreme Court, make the following answers to the inquiries contained in your resolution with reference to House Bills Nos. 352 and 353. No. 352 is entitled "An Act providing supplemental retirement allowances under the New Hampshire Teachers' Retirement System for the fiscal year 1959-1960," and No. 353 is identical save for the fact that it provides for allowances for the fiscal year 1960-1961.

Article 36th, Part I of the Constitution of New Hampshire reads as follows: "Economy being a most essential virtue in all states, especially a young one; no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution, by the legislature, and never for more than one year at a time." The bills in question provide for supplemental retirement allowances under the Teachers' Retirement System (RSA ch. 192, as amended by Laws 1957, c. 48) to any beneficiary who retired prior to July 1, 1957. These allowances would be a reward for services already rendered and performed by the recipients and would constitute a pension within the terms of said Article 36th. *Opinion of the Justices*, 88 N. H. 511, 512. To construe them as providing for additional compensation for such services rendered leads to the same result, since the extra compensation would also be for services already performed. *Opinion of the Justices*, *supra*, 512. Our answer, therefore, to your first question is that in either alternative the proposed allowances would be considered "pensions" within the meaning of Article 36th.

In your second inquiry, you ask whether either of the bills violates the Constitution in view of the fact that each provides benefits for only one year at a time. In *Opinion of the Justices*, 78 N. H. 617, a similar question was considered and dismissed summarily with the observation that it was not "probable" that anyone would contend that the constitutional restriction could be avoided in this manner. *Id.*, 619. Considering the long-established practice of passing separate appropriation bills at each legislative session to cover annual expenses during the biennium, and in view of other factors, doubt might be cast on the validity of this view. However, it appears not to have been

questioned since, and we adopt it pending an opportunity for a more thorough examination of the problem. Our tentative answer, therefore, to your question No. 2, is "Yes."

Regarding your third question, the Constitution makes it plain that pensions for one year at a time may properly be granted and that the purpose of this limitation was to give each successive legislature the opportunity to pass upon the need and propriety of extending or revoking a pension if it chose to do so. See *Opinion of the Justices*, 78 N. H. 617, 618-619. At the time the Constitution was adopted in 1783, the Legislature met on a yearly basis and the one-year limitation was obviously conceived in the light of this circumstance. However, repeated efforts to extend the limitation to two years have failed.

In a comprehensive revision of the Constitution proposed by the Constitutional Convention in 1850, all suggested changes and amendments, including one to extend the period for which pensions could be granted to two years, were defeated by popular vote in March, 1851. Colby, *Manual of the Constitution*, Revision of 1912, pp. 201, 206. Again, among the thirteen amendments proposed by the Convention in 1876, was one which established biennial sessions of the Legislature. Article 36th was not referred to in any way at this time and our court in an advisory opinion has said that the presumption is that no change with respect to Article 36th was desired. *Opinion of the Justices*, 78 N. H. 617, 619-620. If any doubt existed on this question, it was removed during the extensive debates of the Constitutional Conventions of 1912 and 1920. There the issue was squarely raised and it is clear that the understanding of the members of the Conventions was that the one-year limitation still prevailed and that they wished to delete it. *Journal of the Constitutional Convention 1912*, pp. 437-443; N. H. Const. Conv. 1918, 1920, 1921, pp. 338-362. In each instance an amendment designed to do so was rejected by the people, although the plight of certain groups, including firemen and policemen (see *Journal of the Const. Conv. 1912*, *supra*) and of the teachers (see N. H. Const. Conv. 1920, *supra*) was stressed. At the Conventions of 1930, 1938 and 1941 resolutions to amend Article 36th failed of adoption by the Conventions.

The constitutional history of Article 36th makes it plain that however incongruous and illogical the one-year limita-

tion may be under present circumstances, it nevertheless exists. It follows that our answer to your question No. 3 is "No."

Your fourth interrogatory presents a novel issue which is not free from difficulty. Article 36th, stressing the "essential virtue" of economy, was adopted in 1783 when New Hampshire was truly a "young state." It is obvious that the fundamental purpose of economy, as used in this Article, was to promote the well-being of the citizenry of the state. While economy should remain a guiding principle in the operation of our government the means of effecting it may well be different today than they were when the Constitution was adopted. Its interpretation should be in the light of the modern life of an old state rather than in the early life of a young one.

We believe this view finds support not only in common sense, but in the pronouncements of the Court. In the *Opinion of the Justices*, 88 N. H. 511, the question was as to the constitutionality of a bill to establish a teachers' retirement system. See Laws 1937, c. 205. The Court said that since the payments to be made by the State would be for future services, they would not be pensions, and then added: "For such service, the time, manner *or amount* of payments is ineffective to endow the payment with any character as a pension." *Id.*, 512. (Emphasis ours). In other words, the size of the payment did not make unconstitutional what otherwise was proper. By parity of reasoning, since Article 36th does not limit the amount of the pensions which may be paid for any one year, it is not the province of this court to do so. No reason appears, therefore, why the Legislature may not establish pensions in an amount which takes cognizance of today's economic conditions and other considerations, provided the amount is not such as to shock the consciences of reasonable persons. Subject to this limitation, the answer to your question No. 4 is "Yes."

Your fifth question is whether the language of Article 36th, to the effect that pensions "ought" not to be granted for more than one year, is mandatory or advisory. While the word "ought" is ordinarily considered as directory or advisory (67 C.J.S., p. 534), it may be construed as mandatory. Black's Law Dictionary, 4th ed., p. 1252. See Article 37th, Part I; *Cloutier v. Milk Board*, 92 N. H. 199, 201-202. See also for example, Const., Part I, Articles 22nd and 26th. The question is one of

the intent of the drafters of the Constitution. *Attorney General v. Morin*, 93 N. H. 40, 43. In the light of the history of Article 36th the use of the word "ought" in other articles and the numerous debates concerning it, there appears little doubt that the word has been and should be construed as mandatory. *Journal of Const. Con.* 1912, pp. 437-443; N. H. Const. Conv. 1918, 1920, 1921, pp. 338-362.

Your final question is whether the bills violate any other provisions of the Constitution save those already discussed. So far as now appears it is our opinion that they violate no other provision.

In summary, then, our answer to your question No. 1 in either alternative is that the proposed legislation provides for pensions; to question 2, the answer is "Yes"; to question 3, the answer is "No"; the answer to question 4 is "Yes"; the answer to question 5 is that the word "ought" is used in a mandatory sense; and the answer to your question 6 is "No."

FRANK R. KENNISON
LAURENCE M. DUNCAN
AMOS N. BLANDIN, JR.
EDWARD J. LAMPRON
STEPHEN M. WHEELER

April 30, 1959.

**Memorandum in Support of the Ruling by the Speaker of the
House of Representatives Questioning the Constitutionality
of Senate Bill No. 66, An Act Relative to Fees for
Licenses for Pharmacies and Pharmacists.**

The Senate Resolution of April 15, 1959 reciting the pendency of Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists, and relative to the compensation of the members of the commission on pharmacy and practical chemistry, and reciting that the question had arisen whether under the Constitution of the State of New Hampshire such legislation might properly originate in the upper house, and placing the two questions before the Justices of the Supreme Court, fails to set forth the decision of the Speaker of the House which prompted the submission of the two questions at issue.

Senate Bill No. 66, was passed by the Senate on March 24, 1959. On April 15, 1959 the Speaker of the House of Repre-

sentatives rendered the following opinion before the House which appeared in the Journal of the House on that date and which read as follows:

"It is the opinion of the Chair that Senate Bill No. 66 should not be read a first and second time because it is a direct violation of Article 18, Part II of the Constitution of the State of New Hampshire which states, 'all money bills shall originate in the house of representatives; but the Senate may propose, or concur with, amendments, as on other bills'. Senate Bill No. 66 proposes to raise fees for licenses for pharmacies and pharmacists.

"The Supreme Court in 1901 (opinion of the Justices 70 N. H. 642) clearly stated that all bills for the raising of revenue must originate in the House of Representatives, and all other bills may originate in the Senate.

"In accordance with prior rulings of other Speakers of the House it is the opinion of this Speaker that the determination of what is or what is not a revenue bill is a prerogative of the Speaker of the House. In making rulings to protect the constitutional prerogatives of this House, the Speaker, in accordance with tradition and practice will interpret this constitutional provision liberally so as to protect the rights, privileges and traditions of this House."

The ruling of the Speaker was not questioned by any member of the House.

The Position of the House

- I. The Senate Bills Imposing Regulatory Toll or License Fees Which Have Become Law Have No Pertinency to the Ruling of the Speaker.

The tabulation of the Senate bills imposing regulatory toll or license fees referred to on pages 4 and 5 of the memorandum submitted by the Attorney General's office raises nothing pertinent to the questions now in issue.

The House takes the position of following the enrolled bill rule which conclusively presumes the regularity of legislative details leading to the enactment of legislation and refuses to go behind enrolled revenue bills and examine the legislative

record and journals or other extrinsic sources to determine compliance with the constitutional requirement and accordingly upholds all bills if regular on their face notwithstanding it may appear from other sources that the constitutional requirement was not complied with. Anno. — Revenue Bills — Origin. 4 ALR 2d Sec. 3 973, 976. Attacks made upon legislation before the courts subsequent to the enactment of legislation are not the concern of the House of Representatives in connection with the point now in issue.

II. The Distinction Between Regulatory and Revenue Raising Measures Made in Other States Is Not Controlling in This State Where License and Registration Fees Are Looked Upon as Money Raising Bills.

In many jurisdictions "bills for raising revenue" within the meaning of constitutional limitations are confined to those which levy taxes in the strict sense of the term as distinguished from those which merely appropriate money from the public treasury or indirectly or incidentally create revenue as in the case of regulatory licensing statutes. In some jurisdictions constitutional requirement that revenue bills originate in the lower house of the legislative body have been held not to affect the validity of legislation originating in the Senate, as for example, regulating and licensing the sale of intoxicating liquors. See Anno. Revenue Bills — Origin 4 ALR 2d (1949) p. 975, 983.

It is submitted that such precedents are not controlling in this state where such funds are increasingly unrestricted funds and such funds comprise so large a part of the general fund. To illustrate this, estimates of the general fund (unrestricted revenue) for the fiscal years ending June 30th for the tobacco stamp tax, beer tax, racing revenue and liquor revenue — and their comparison with total revenue read as follows:

	1959	1960	1961
Tobacco stamp tax	\$ 3,925,000.00	\$ 4,042,000.00	\$ 4,163,000.00
Beer Tax	1,049,900.00	1,050,000.00	1,050,000.00
Racing revenue (thoroughbred)	2,912,000.00	3,000,000.00	3,000,000.00
Liquor revenue	5,600,000.00	5,700,000.00	5,800,000.00
Total Revenue	\$21,779,241.00	\$22,064,839.00	\$22,455,989.00

III. Assuming that the Supreme Court Does Answer the Questions of the Senate in the Negative, It Is Submitted, Nevertheless, that the Unchallenged Ruling of the Speaker to the Contrary is Final and Determinative on the Issue.

The ruling of the Speaker of the House is within the Constitution and FINDS support in the prior rulings, privileges and prerogatives of the House. To reverse the ruling of the House would require the court to supervise the internal functions of the House and would violate the principle of the separation of powers.

It is the position of the House that Article 18 of the Constitution empowers the House to refuse to consider money bills, revenue bills or regulatory bills that arise in the Senate. Unless the constitution expressly restricts the power of the House, the House is free to make its own rules and make its own interpretations of money bills. It is the position of the House that while it is governed by Article 18, Section 2 of the Constitution it is not restricted in developing its own rules and precedents not in conflict with the constitution. The power to pass upon legislation may be a limited power only; but within its own sphere it is independent not only of both the Senate and Executive but even of the Judiciary.

"Besides the limitations of legislative authority to which we have referred, others exist which do not seem to call for special remark. Some of these are prescribed by constitutions,

but others spring from the very nature of free government. The latter must depend for their enforcement upon legislative wisdom, discretion and conscience. The legislature is to make laws for the public good, and not for the benefit of individuals. It has control of the public moneys, and should provide for disbursing them only for public purposes. Taxes should only be levied for those purposes which properly constitute a public burden. But what is for the public good, and what are public purposes, and what does properly constitute a public burden, are questions which the legislature must decide upon its own judgment, and in respect to which it is vested with a large discretion which cannot be controlled by the courts, except, perhaps, where its action is clearly evasive, and where, under pretense of a lawful authority, it has assumed to exercise one that is unlawful. Where the power which is enforced is legislative in its character, the courts can enforce only those limitations which the constitution imposes: not those implied restrictions which, resting in theory only, the people have been satisfied to leave to the judgment, patriotism, and sense of justice of their representatives". Cooley's Constitutional limitations 7th Ed. Ch. V pp 181-185.

An examination of the House Journals indicate support for the position of the House. In the House Journal of 1957, page 1427 reads as follows:

"The Chair ruled that the amendments sent down from the Honorable Senate on House Bill No. 317, An Act relative to an appropriation for matching town funds for airport construction violate Article 18 of the Constitution of the State of New Hampshire which requires that all money bills originate in the House of Representatives. Accordingly the Chair ordered that the bill be returned to the Senate".

Article 22 of the Constitution of New Hampshire stating that the House of Representatives shall settle the rules of proceedings in their own house read with the precedents of the House justify the Speaker's ruling of April 15, 1959. It is the position of the House that its members alone can question the finality of the rulings of the Speaker.

Conclusion

The powers of the House to question bills arising in the Senate can be based upon the precedents and prior rulings

of Speakers of the House or it may be based upon the mere decision of the House.

Powers to originate revenue bills is vested under the constitution exclusively in the lower House. "Our constitutional provisions of this type are based upon the presumption that, since the membership of the lower house of the legislature is more numerous than that of the upper House, it more directly represents the people". Statutory Construction. Interpretation of Laws. Earl T. Crawford (1940) Ch. V at p. 57. This is especially so in this state where the composition of the Senate is constitutionally based upon property and the composition of the House is based upon the people.

Inasmuch as the House of Representatives has not been privileged to avail itself of the services of the office of the Attorney General, the House regrets that time does not permit a more adequate memorandum in support of the Speaker's rulings of April 15, 1959 which caused the Senate to submit the two questions pending. It is the request of the House that the Honorable Court will consider the two questions pending in the light of the Speaker's ruling of April 15, 1959.

Respectfully submitted,

STEWART LAMPREY, *Speaker,*
House of Representatives

R. WAYNE CROSBY of Hillsborough
Chairman of the Judiciary Committee

JOHN W. KING of Manchester

Opinion of the Justices

Submitted May 1, 1959

Answer returned May 5, 1959

The following resolution was adopted by the Senate on April 15, 1959:

"*Whereas*, there is now pending before the General Court Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists, and

"*Whereas*, a question has been raised concerning its constitutionality on the grounds that the Honorable Senate, by originating this bill and its consequent passage of same, violated the provisions of Article 18, Part II of the Constitution, therefore be it

“Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

(1) Is such origin and enactment by the Honorable Senate of a bill establishing or increasing fees in violation of Article 18, Part II of the Constitution?

(2) Is the raising of fees as provided in said bill a “money bill” under the provisions of Article 18, Part II of the Constitution?”

On April 16, 1959, the House adopted a resolution requesting the Justices “not to honor the request of the Senate.” At the request of the House the consideration of this advisory opinion was delayed until May 1, 1959, in order to allow the House an opportunity to file a memorandum in support of its position by that date.

The following answer was returned:

To the Honorable Senate:

The undersigned Justices of the Supreme Court submit the following answers to the inquiries contained in your resolution dated April 15, 1959, relating to Senate Bill No. 66, as amended, entitled “An Act relative to fees for licenses for pharmacies and pharmacists.” Senate Bill No. 66 amends RSA ch. 318 by making nominal increases in certain fees for licenses and permits for both pharmacies and pharmacists. Since this bill would increase the amount of money that the State receives in fees, you have requested our opinion as to whether such a bill may originate in the Senate consistently with Part II, Article 18th of the Constitution of New Hampshire, which reads as follows:

“[Money Bills to Originate in House.] All money bills shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.”

Article 18th of our Constitution is identical in wording with the earlier Massachusetts Constitution which has been interpreted by the Massachusetts Supreme Judicial Court to apply only to bills imposing a direct tax on the people. *Opinion of the Justices*, 126 Mass. 557. In 1901 we placed the same interpretation on our own Constitution in *Opinion of the Justices*, 70 N. H. 642, wherein it was stated that the Senate was entitled to originate any legislation which does not impose a direct tax on the people. Money bills, as used in the constitutional provision, refer to bills which raise money by

direct taxation, and such money bills must originate in the House of Representatives. However, all other bills, even though they carry an appropriation, may originate in either the House of Representatives or the Senate. The most recent authority for this proposition is found in the 1958 *Opinion of the Justices* (Mass.) 152 N. E. 2d 90.

It is significant that Article I, section 7 of the Constitution of the United States has been similarly interpreted. *United States v. Norton*, 91 U. S. 566; *Twin City Nat. Bank v. Nebekar*, 167 U. S. 196; *Millard v. Roberts*, 202 U. S. 429. It is apparent from these decisions that money bills or bills for raising revenue are confined to bills which levy taxes in the strict sense of the word, and do not apply to bills which incidentally raise revenue or involve appropriation of state money. This limited and strict construction of the constitutional requirement that money bills or bills for raising revenue shall originate in the lower house is supported by the overwhelming weight of authority. Anno. 4 A.L.R. 2d 973. The same conclusion was reached in *Opinion of the Justices*, 133 Me. 537, where it was considered well settled that a bill increasing hunting and fishing license fees did not have to originate in the House. This construction of money bills in the constitutional sense is supported by more than a century of historical precedent which has been followed in this state and the great majority of the other states of the Union. *Mikell v. Philadelphia School District*, 359 Pa. 113; 1 Sutherland, *Statutory Construction* (3d ed.) s. 806. Cooley, *Constitutional Limitations* (7th ed.)p. 188; Crawford, *Statutory Constitution*, s. 35.

The provisions of Senate Bill No. 66 would appear to be within the ambit of regulatory police power legislation enacting license fees which have been almost uniformly classed as bills which are not required to originate in the lower house. "Regulatory acts imposing license fees enacted in the exercise of police power, in which the only income-producing feature is incidental to the main purpose of the regulation of the business therein described, and the enforcement thereof are not bills for 'raising revenue' within the meaning of the constitutional provision requiring revenue bills to originate in the lower house." Anno. 4 A.L.R. 2d 973, 981. *Opinion of the Justices*, 133 Me. 537.

Accordingly, both of your inquiries are answered in the

negative, and you are advised that Senate Bill No. 66, as amended, is not a money bill and if it becomes law will not violate Article 18th of our Constitution for the reason that it originated in and was enacted by the Senate.

Subsequent to this request of the Senate for an advisory opinion, we received a resolution of the House of Representatives which requested "the Honorable Justices of the Supreme Court . . . not to honor the request of the Senate." The resolution referred to a ruling by the Speaker of the House that Senate Bill No. 66 was a money bill and therefore must originate in the House of Representatives as provided by Article 18th, Part II, of the Constitution, which ruling was upheld by the House.

Part II, Article 74th of the Constitution as amended in 1958, provides that each branch of the Legislature shall have authority to require the opinions of the justices of the court upon important questions of law and upon solemn occasions. Under this article either the House or the Senate has independent authority to request such advisory opinions and the duty of the Justices to return their answers does not depend upon consent or approval of the other branch of the Legislature. Consequently in answering the inquiry of the Senate in this opinion we have followed the express provisions of our Constitution.

In the legislative process either branch of the Legislature has the prerogative not to concur in the action of the other (N. H. Const., Pt. II, Art 2d); and the reasons for refusing to concur are not subject to judicial scrutiny. See also, N. H. Const., Pt. II, Art. 23d; Luce, *Legislative Problems*, c. XIV. Moreover, nothing in this opinion is intended to affect or detract from the power of the House to "settle the rules of proceedings in their own house" under Part II, Art. 22d of the Constitution of New Hampshire. *Petition of Dondero*, 94 N. H. 236. See *Journal of the House* (1957) p. 1427.

FRANK R. KENISON
LAURENCE I. DUNCAN
AMOS N. BLANDIN, JR.
EDWARD J. LAMPRON
STEPHEN M. WHEELER

May 5, 1959.

Reports of Standing Committees

Mr. Kelley of Littleton, for the Committee on Claims, to whom was referred House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend said joint resolution by adding at the end thereof the words, The sum appropriated shall be in full and complete settlement of this claim, so that said joint resolution as amended shall read as follows:

That there is hereby appropriated the sum of nine hundred and twenty-three dollars to Mildred Marier of Manchester to reimburse her for property damage incurred by her when her automobile was struck by a car driven by an escapee from the industrial school. The governor is authorized to draw his warrant for said sum hereby appropriated out of any money in the treasury not otherwise appropriated. The sum appropriated shall be in full and complete settlement of this claim.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the House Joint Resolution was ordered to a third reading.

Mr. Kelley of Littleton, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend said joint resolution by adding at the end thereof the words, The sum appropriated shall be in full and complete settlement of this claim, so that said joint resolution as amended shall read as follows:

That the sum of three hundred and fifty dollars is hereby appropriated to be paid to Robert A. Vanasse to cover the cost of repairs to a water main, such damage having been caused by certain operations of the highway department in highway improvement in Gilsum. The sum hereby appropriated shall be a charge on the highway funds. The sum appropriated shall be in full and complete settlement of this claim.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the Senate Joint Resolution was ordered to a third reading.

Mr. McMeekin of Haverhill, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 75, An Act relative to political expenditures, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. McMeekin of Haverhill explained the bill.

Mr. Marx of Langdon spoke in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. McMeekin of Haverhill, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 366, An Act relative to spite fences, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "six" in the third and fifth lines and inserting in place thereof the word, seven, so that said section as amended shall read as follows:

1 *Spite Fences.* Amend RSA 476:1 by striking out the word "five" in the second line and inserting in place thereof the word, seven, so that said section as amended shall read as follows: 476:1 *Fence as Private Nuisance.* Any fence, or other structure in the nature of a fence, unnecessarily exceeding seven feet in height, erected or maintained for the purpose of annoying the owners or occupants of adjoining property, shall be deemed a private nuisance.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Marx of Langdon explained the bill.

(discussion ensued)

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was not ordered to a third reading.

Mrs. Dondero of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 227, An Act relating to the appointment of committees of the house of

representatives, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Bradley of Thornton moved that the words "Ought to Pass" be substituted for the committee report "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Crosby of Hillsborough spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail and the resolution of the committee was adopted.

Notice of Reconsideration

Mr. Deans of Milford served notice that today, or some subsequent day, having voted with the majority, he will move reconsideration of the vote by the House whereby they passed Senate Bill No. 139, An Act legalizing the 1959 meeting of the Hudson School District.

Mr. Green of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 382, An Act providing for admission of records of hospitals in actions at law or suits in equity, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary to whom was referred House Bill No. 383, An Act to provide for admissibility of written statements obtained from persons sustaining personal injuries, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claffin of Wolfeboro, for the Committee on Public Health to whom was referred House Bill No. 386, An Act relative to hospital licensing and hospital survey and constructions, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph III of RSA 151:7 as inserted by section 2 of the bill by striking out the word "and" in the second line and inserting in place thereof the word, or, so that said paragraph as amended shall read as follows:

III. Conduct or practices detrimental to the health or safety or well-being of patients, residents or employees of said facilities, provided that this provision shall not be construed to have any reference to healing practices authorized by law.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Perrault of Berlin, for the Committee on Resources, Recreation and Development to whom was referred Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park, having considered the same, reported the same with the recommendation that the bill ought to pass.

Senate Bill No. 49 was sent to the Committee on Appropriations under the rules.

Mr. Pickering of Meredith, for the Committee on Resources, Recreation and Development to whom was referred Senate Joint Resolution No. 1, A Joint Resolution relative to the Old Man of the Mountain, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

Mr. Monahan of Hanover explained the Senate Joint Resolution.

Senate Joint Resolution No. 1 was sent to the Committee on Appropriations under the rules.

Mr. Terry of Westmoreland, for the Committee on Transportation to whom was referred House Bill No. 242, An Act to enforce safety, sanitation and adequate shelter for railroad employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Terry of Westmoreland, for the Committee on Transportation to whom was referred House Bill No. 46, An Act relative to registration fee for public bus, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. McMeekin of Haverhill, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 246, An Act to define and to provide for the licensing of real estate brokers and real estate salesmen, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *New Chapter.* Amend RSA by inserting after chapter 331 the following new chapter:

Chapter 331-A

331-A:1 *Definitions.* As used in this chapter, the following terms shall have the following meanings:

(a) The term "real estate" shall mean leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or nonfreehold, and whether the real estate is situated in this state or elsewhere.

(b) The term "broker" shall mean any person who for a fee, commission or other valuable consideration, or with the intent or expectation of receiving the same, negotiates or attempts to negotiate the listing, sale, purchase, exchange or lease of any real estate or of the improvements thereon, or collects, rents or attempts to collect rents, or advertises or holds himself out as engaged in any of the foregoing activities. The term "broker" also includes any person employed by or on behalf of the owner or owners of real estate to conduct the sale, leasing, or other disposition thereof at a salary or for a fee, commission or any other consideration; it also includes any person who engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for such purposes, or for referral of information concerning such real estate to brokers, or both.

(c) The term "salesman" shall mean any person employed or engaged under contract by or on behalf of a licensed broker to participate in any activity included in paragraph (b) of this section for compensation or otherwise.

(d) The term "person" shall mean individuals, corporations, partnerships or associations, foreign and domestic.

331-A:2 *Exempted Classes.* The provisions of this chapter shall not apply to an owner, builder or tenant of real estate or to his regular employees with respect to property owned or leased by him, or to a prospective purchaser or tenant of real estate or to his regular employees with respect to property sought to be acquired or leased by him, or to an attorney in fact under a duly executed power of attorney authorizing the consumation of a real estate transaction, or to an attorney at law in the performance of his duties as an attorney, or to an auctioneer selling at public auction, or to a public official in the conduct of his official duties, or to a person or his regular employees while such person is acting as a receiver, trustee, administrator, executor, conservator, guardian or fiduciary, or while acting under court order, or while acting under the authority of a will, trust instrument, or other recorded instrument containing a power of sale.

331-A:3 *Prohibition.* From and after the effective date of this chapter it shall be unlawful for any person to engage in or conduct directly or indirectly, or to advertise or hold himself out as engaging in or conducting the business, or acting in the capacity, of a real estate broker or real estate salesman within this state without first obtaining a license as such broker or salesman, as provided in this chapter.

331-A:4 *Applications for Licenses.* Applications for licenses as broker or salesman shall be made to the secretary of state, on forms prescribed by him, stating the age, sex, domicile and place of business of an individual applicant, and the place of incorporation and principal place of business of a corporate applicant; and shall be accompanied by affidavits of three residents of the state, owners of real estate in the state, stating that the applicant is a person of good repute, trustworthy, and entitled to public confidence; a firm, partnership association or corporation shall designate in its application the individual or individuals who are to serve as brokers under regulation. Upon completion of the required fee, the secretary of state shall issue the appropriate license.

331-A:5 *Fees.* The following license fees shall be charged and collected by the Secretary of State and shall be paid into the general fund of the state treasury:

(a) For each original broker's license a fee of fifteen dollars, and for each annual renewal thereof, a fee of ten dollars;

(b) For each original salesman's license a fee of ten dollars, and for each annual renewal thereof, a fee of five dollars.

331-A:6 *Non-residents.* Non-residents of this state may be licensed as brokers or salesmen in this state, provided that the state of their residence offers the same privileges to the licensed brokers and salesmen of this state. On making application such non-residents may substitute for the required affidavits, proof that they are licensed brokers or salesmen in another state, and shall file an irrevocable consent and power providing that legal actions may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside, by service of process or pleading authorized by the laws of this state, on the secretary of state or his deputy, the consent or power stipulating that such service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the non-resident in this state.

331-A:7 *Suspension or Revocation of License.* The secretary of state shall, upon complaint or his own motion, suspend the license of any broker or salesman who shall have been held liable for damages, by final judgment of any court, in any civil action at law or in equity for fraud, deceit or misrepresentation committed in and arising out of the conduct of his business as real estate broker or real estate salesman, or upon conviction of a felony committed in and arising out of the conduct of his business as real estate broker or real estate salesman. Said license shall be reissued upon proof of satisfaction of any such judgment, filed with the secretary of state, or in the event of the conviction of such a felony on application, as hereinabove provided, but in no case sooner than one year from the date of such conviction. In the event of a second such judgment or conviction, after a prior such judgment or conviction for a different and separate such offense, the secretary of state shall, upon his own motion, permanently revoke the license of any person found liable of or convicted of such second offense. The clerk of the court in which any such final judgment shall have been entered or any conviction recorded shall forthwith make return thereof to the secretary of state giving the name of the defendant and the date of such judgment or conviction.

331-A:8 *Penalties.* Any person acting as a broker or salesman without first obtaining a current license shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars. Upon conviction of a second or subsequent violation, the person shall be punishable by a fine of not more than five hundred dollars.

2 *Repeal.* RSA 331 relative to real estate licensing is hereby repealed.

3 *Takes Effect.* This act shall take effect July 1, 1960.

Mr. Martel of Manchester moved that further consideration of House Bill No. 246 be indefinitely postponed and spoke in favor of the motion.

Mr. McMeekin of Haverhill spoke against the motion.

(discussion ensued)

Mr. Marx of Langdon spoke against the motion.

(discussion ensued)

Mrs. Palmer of Plaistow and Mr. Kimball of Manchester spoke against the motion.

(discussion ensued)

Messrs. Pickett of Keene, Pillsbury of Manchester and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Bradley of Thornton spoke in favor of the motion.

(discussion ensued)

Mr. Courtermarsh of Lebanon spoke against the motion.

Mr. Martel of Manchester spoke a second time in favor of the motion.

Mr. Hart of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being, shall House Bill No. 246 be indefinitely postponed.

On a *viva voce* vote the motion did not prevail.

The question now being, shall the amendment be adopted?

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to place House Bill No. 246 on third reading and final passage at the present time by title only.

Mr. Martel of Manchester requested a division vote.

A division vote being taken and 256 members having voted in the affirmative and 32 members having voted in the negative the motion prevailed.

Third Reading

House Bill No. 246, An Act to define and to provide for the licensing of real estate brokers and real estate salesmen, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene, having voted in the majority, moved that the House reconsider its vote whereby it passed House Bill No. 246.

On a *viva voce* vote the motion did not prevail.

Special Order

Miss Collyer of Lisbon moved that the words "Ought to Pass" be substituted for the resolution of the committee that House Bill No. 293, An Act establishing a run-off primary, be referred to the Legislative Council, and spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke against the motion.

(discussion ensued)

Mr. Green of Manchester spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail.

Mrs. Brungot of Berlin moved that House Bill No. 293 be indefinitely postponed and spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

The question now being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Senate Messages

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 142, An Act authorizing the commissioner of public works and highways to enter into an agreement with the federal government relative to highway in Madbury.

Introduction of a Senate Bill

Senate Bill No. 142, An Act authorizing the commissioner of public works and highways to enter into an agreement with the federal government relative to highway in Madbury, was introduced, read a first and second time, and referred to the Committee on Public Works.

Mr. Galloway of Walpole moved that the rules of the House be so far suspended as to dispense with committee reference on Senate Bill No. 142, and that it be placed on third reading and final passage by title only at the present time.

The Clerk read the bill in full.

Mr. Galloway of Walpole spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 142, An Act authorizing the commissioner of public works and highways to enter into an agreement with the federal government relative to highway in Madbury, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations.

Senate Bill No. 129, An Act changing the name of Rochester Trust Company.

Senate Bill No. 134, An Act relative to Stratford School District.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read

a first and second time, laid on the table, and referred as follows:

Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations, to the Judiciary Committee.

Senate Bill No. 129, An Act changing the name of Rochester Trust Company, to the Committee on Banks.

Senate Bill No. 134, An Act relative to Stratford School District, to the Committee on Education.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities.

House Bill No. 190, An Act relative to reimbursement to town for loss of tax on forest reserve lands.

House Bill No. 372, An Act legalizing the proceedings of the annual meeting of the New Hampshire School District.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred House Bill No. 305, An Act relative to investments of credit unions, having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Credit Unions*. Amend RSA 394:17 (supp) as amended by 1955, 213:1 by striking out said section and inserting in place thereof the follows: 394:17 *Use of Funds*. While awaiting calls of its members for loans, it may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in this state, or, by majority vote of the board of directors and with the approval of the commissioner, in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in New England or, with like vote and approval, may make loans to other credit unions chartered under the laws of this state provided that the lend-

ing credit union has assets of one hundred thousand dollars or more. It may invest any surplus funds in obligations of the United States government or of the state, or of any county, city or town of the state, issued pursuant to authority of law.

The Clerk read the amendment in full.

On motion of Mr. Dutton of Peterborough the House concurred in the Engrossed Bills Committee amendment.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 99, An Act relative to recounts of ballots after an election, having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 *City of Portsmouth.* Amend section 8 of chapter 398 of the Laws of 1947 by inserting before the word "candidate" in the fourth line the word, defeated, and by striking out all after the word "cast" in the fifth line and inserting in place thereof the words, or upon order of any court or the city council, so that said section as amended shall read as follows:

The Clerk read the amendment in full.

On motion of Mr. Deans of Milford the House concurred in the Engrossed Bills Committee amendment.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and third reading of resolutions by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills and House joint resolution were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 386, An Act relative to hospital licensing and hospital survey and constructions.

House Bill No. 242, An Act to enforce safety, sanitation and adequate shelter for railroad employees.

House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert Vanasse, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Senate Bill No. 75, An Act relative to political expenditures, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Miss Loizeaux of Plymouth the House adjourned at 1:39 o'clock.

WEDNESDAY, MAY 6, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Daniel Novotny, of the Community Church at Durham.

Eternal God, to Whom a thousand years are as yesterday, by Thy mercy we have come to the beginning of this new day. Hold not against us, we pray Thee, the faults and failures of the past.

We renew our devotion to Thee. Let not the weariness of life nor the confusion of the world rob us of our faith in Thee. Thou hast blest us richly in the past. Still lead us on.

We pray for courage. May we not falter under the burdens we are asked to carry. Teach us to stand unbowed by uncertain days and the weight of unexpected demands.

We pray that Thou wouldst give us the wisdom and grace to use the power of government in the light of Thy purpose and as a holy trust from Thee. O God, grant us a vision of our State, fair as she might be, where success shall be founded on service whose policy shall be based on the highest needs of her people.

Hear Thou, O Lord, our prayer as we pledge our time and strength and thought to the best and the holiest, to Thee and to Thy people. Amen.

Pledge of Allegiance to the Flag

Mrs. Hayward of Hanover led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

The History Class of Hanover Junior High School accompanied by teachers and parents, courtesy of the Hanover Delegation.

The 8th grade of Holy Trinity School of Somersworth accompanied by Reverend Gerald Joyal and Mayor Albert Nadeau, courtesy of the Somersworth Delegation.

Leave of Absence

Mr. Flynn of Boscawen was granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills were severally introduced, read a first and second time, laid upon the table for printing and referred as follows:

By Mr. Chandler of Bartlett, House Bill No. 456, An Act relative to approval of supervisory union budgets by the school districts. To the Committee on Education.

By Mr. Rowell of Newport, House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960. To the Committee on Appropriations.

By Mr. Rowell of Newport, House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961. To the Committee on Appropriations.

Reconsideration

Mr. Deans of Milford moved that the House reconsider its vote whereby it passed Senate Bill No. 139, An Act legalizing a 1959 meeting of the Hudson School District.

On a *viva voce* vote the motion did not prevail.

Reports of Standing Committees

Mr. Perreault of Berlin, for the Committee on Aviation to whom was referred House Joint Resolution No. 6, A Joint Resolution providing for the acquisition of aircraft, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

House Joint Resolution No. 6 was sent to the Committee on Appropriations under the rules.

Mr. Perrault of Berlin, for the Committee on Aviation to whom was referred House Bill No. 48, An Act relative to the marking of obstructions to air flight, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by existing legislation.

On a *viva voce* vote the resolution was adopted.

Reconsideration Notice

Mr. Malley of Somersworth served notice that today, or some subsequent day, he will request that the House reconsider its vote whereby it passed Senate Bill No. 75, An Act relative to political expenditures.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred Senate Bill No. 40, An Act relating to investments of savings banks, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred Senate Bill No. 52, An Act to authorize participating loans by building and loan associations, and co-operative banks, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred Senate Bill No. 98, An Act to amend the charter of Colebrook Guaranty Savings Bank relative to guaranty fund and property holding, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Thibault of Nashua, for the Committee on Liquor Laws to whom was referred Senate Bill No. 124, An Act relative to the advertising of alcoholic liquor or beverages, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Peaslee of Merrimack, for the Committee on Municipal and County Government, to whom was referred House Bill No. 371, An Act disannexing a certain homestead in the town of Goffstown from the city of Manchester for school purposes, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Cormier of Somersworth, for the Special Committee consisting of the members from the city of Somersworth, to whom was referred House Bill No. 229, An Act relative to life, accident and health insurance benefits for regular employees of the city of Somersworth, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Communications

THE TERRITORY OF HAWAII
Executive Chambers
Iolani Palace
Honolulu

April 24, 1959

Custodian of Mails
House of Representatives
Concord, New Hampshire
DEAR SIR:

On behalf of the people of Hawaii, I send our warmest thanks to the House of Representatives of New Hampshire for the Resolution congratulating the statehood of Hawaii. We are proud to be the Fiftieth State.

Sincerely,

WILLIAM F. QUINN,
Governor of Hawaii.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems.

Amend paragraph II of section I of the bill by inserting in line 3 after the word "or" and before the word "repair" the word, substantially, so that said paragraph as amended shall read as follows: II. *Sewage Disposal Systems, Construction.* Any person proposing to install new public sewerage or sewage treatment facilities, or to extend, renovate, replace or substantially repair any such existing facilities, shall submit, at least thirty days in advance of construction, detailed plans and specifications therefor to the state board and secure its approval thereof. The foregoing provisions shall also be applicable to any institution, accommodating thirty or more people, which provided its own facilities as to sewage disposal.

On motion of Mr. Monahan of Hanover the House concurred in the Senate amendment.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following joint resolution, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather.

Amend said Joint Resolution by striking out in line one the words "seven hundred and seventy five" and inserting in place thereof the words, five hundred, so that said Resolution as amended shall read as follows:

That the sum of five hundred dollars is hereby appropriated to reimburse Arthur E. Starkweather of Warner for losses suffered as a result of a freeze up in his water main, caused by the main being improperly installed by the Department of Public Works and Highways. The sum hereby appropriated

shall be a charge against the highway funds and shall be in full settlement of said claim.

Mr. Bigelow of Warner moved that the House non-concur in the amendment sent down by the Senate and asked that a committee of conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed as House conferees Messrs. Bigelow of Warner, Malley of Somersworth and Terrill of Keene.

Personal Privilege

Mr. Pillsbury of Manchester rose on a point of personal privilege.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings.

House Joint Resolution No. 41, Joint Resolution in favor of Walter R. MacCormack.

House Joint Resolution No. 43, Joint Resolution in favor of the estate of Lewis A. Nelson.

House Bill No. 320, An Act providing a time limitation for second offense of driving while intoxicated.

House Bill No. 321, An Act establishing an agreement on detainers.

House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch.

House Bill No. 259, An Act relative to license fees for recreation camps.

House Bill No. 448, An Act legalizing the annual town meeting held in the town of Croydon, March 10, 1959.

Report of Engrossed Bills Committee

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 71, An Act relative to veterans' burial expenses.

House Bill No. 85, An Act relative to a vacancy in the office

of the mayor of the city of Berlin and changing the title of the city solicitor.

House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities.

House Bill No. 178, An Act to increase the powers of Saint Anthony College.

House Bill No. 189, An Act relative to municipal budget law.

House Bill No. 190, An Act relative to reimbursement to town for loss of tax on forest reserve lands.

House Bill No. 233, An Act coordinating the retirement age for women employees under the state employees' retirement system with that provided under the Federal Social Security Act.

House Bill No. 279, An Act relative to purchase and selling of live poultry.

House Bill No. 281, An Act relative to the term of office of town auditors in certain cases.

House Bill No. 301, An Act adopting the uniform rendition of prisoners as witnesses in criminal proceedings act.

House Bill No. 334, An Act authorizing certain deductions from retirement benefits of state employees.

House Bill No. 372, An Act legalizing the proceedings of the annual meeting of the New Hampton School District.

Senate Bill No. 51, An Act changing the title of the commissioner of charities of the city of Manchester.

Senate Bill No. 53, An Act relating to the North Conway Loan and Banking Company.

Senate No. 77, An Act to establish a new apportionment for the assessment of public taxes.

Senate Bill No. 97, An Act relating to the compensation of supervisors of the check list of the city of Somersworth.

Mr. Pickett of Keene moved that the House resolve itself into a committee of the whole and that His Excellency, Governor Powell, be invited to meet with the committee to answer any questions regarding House Bill No. 348; and that the committee dissolve itself in one hour. The motion was sufficiently seconded.

Mr. Pickett of Keene spoke in favor of the motion.

Messrs. King and Pillsbury of Manchester spoke against the motion.

Mr. Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

The Chair declared a two minute recess.

Recess

After Recess

Mr. Gilman of Farmington spoke a second time in favor of the motion.

Mr. Pickett of Keene withdrew his motion and served notice that he would renew the motion at some subsequent day.

Personal Privilege

Mr. Pillsbury of Manchester rose on a point of personal privilege.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

House Bill No. 371, An Act disannexing a certain homestead in the town of Goffstown from the city of Manchester for school purposes, was read a third time, passed, and sent to the Senate for concurrence.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 40, An Act relating to investments of savings banks.

Senate Bill No. 52, An Act to authorize participating loans by building and loan associations and co-operative banks.

Senate Bill No. 98, An Act to amend the charter of Colebrook Guaranty Savings Bank relative to guaranty fund and property holding.

Senate Bill No. 124, An Act relative to the advertising of alcoholic liquor or beverages.

On motion of Mrs. Davis of Woodstock the House adjourned at 12:20 o'clock.

THURSDAY, MAY 7, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Maker of atoms, Creator of planets, Thou whose law dost govern all things known to the mind of man, turn man's thoughts toward Thee and inspire him, we pray, in his efforts to legislate and to govern his own affairs. Even as Thy spirit of creativity is present in molecule and milky-way, in the cells of bacteria and in the vastness of human society, so may the creativeness, the insight and the effects of this General Court and the administration of our state be far-reaching. May nothing seem too minor to require of us our best efforts, nor anything confront us that seems too big for our dedicated labor. Amen.

Pledge of Allegiance

Mr. O'Neil of Chesterfield led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following as guests of the House today:

A group of 8th grade students from Chesterfield in charge of Miss Post, courtesy of Mr. O'Neil of Chesterfield.

A group of 4th grade students from Milford in charge of Mrs. J. Wayne Haskell, courtesy of the Milford Delegation.

Leave of Absence

Mr. Lacasse of Berlin was granted leave of absence for the day on account of important business.

Petition from Members

Mr. Urie of New Hampton was recognized by the Chair and presented the Speaker with a gavel especially made for him by an employee of Mr. Urie's establishment.

The Speaker expressed his gratitude for the gift.

Introduction of Bills

The following House Bills and House Joint Resolution

were severally introduced, read a first and second time, laid on the table for printing, and referred as follows:

By the Committee on Rules (Mr. Emerson of Dalton) House Bill No. 459, An Act legalizing the annual town meeting held in the town of Dalton March 10, 1959. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules of the House were so far suspended as to dispense with the printing of House Bill No. 459.

By the Committee on Rules (Mr. Perry of Newbury) House Bill No. 460, An Act to legalize the proceedings of the annual town meeting of Newbury and to permit said town to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt. To the Committee on Municipal and County Government.

On motion of Mr. Deans of Milford the rules of the House were so far suspended as to dispense with the printing of House Bill No. 460.

By the Committee on Rules (Mr. Galloway of Walpole) House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the state. To the Committee on Public Works.

By Mr. Taft of Greenville, House Bill No. 462, An Act to sever a certain tract of land from the town of Mason and annex the same to the town of Greenville. To the Committee on Municipal and County Government.

By Miss Loizeaux of Plymouth, House Bill No. 463, An Act to authorize the institution of an individual insurance payroll deduction plan for the benefit of employees of the state government. To the Committee on Insurance.

By the Committee on Rules (Mr. Bradbury of Claremont) House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the general court and for other distribution of said manual. To the Committee on Appropriations.

Mr. Kearns of Manchester moved that the rules of the House be so far suspended as to dispense with the printing

of House Joint Resolution No. 47 and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 299, An Act relative to required number of school days in each year for standard elementary schools, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the word "elementary" so that said title as amended shall read as follows:

An Act relative to required number of school days in each year for standard schools.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following: 1 *Instruction of Pupils*. Amend RSA 189:1 by striking out said section and inserting in place thereof the following: 189:1 *Days of School*. The school board of every district shall provide standard schools for at least one hundred and eighty days in each year, at such places in the district as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable.

Amend section 2 of the bill by striking out in the fourth and tenth lines the word "elementary," so that said section as amended shall read as follows:

2 *Exceptions*. Amend RSA 189:2 by striking out said section and inserting in place thereof the following: 189:2 *Reduction of Time*. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of standard schools for one hundred and eighty days in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board shall not reduce the days during which schools shall be in session, as provided in section 1, on account of workshops, conventions or teachers' institutes.

Further amend the bill by inserting after section 2 a new section as follows:

3 *Standard School.* Amend RSA 189:24 by striking out the words "thirty-six weeks" and inserting in place the words, one hundred and eighty days, so that said section as amended shall read as follows: 189:24 *Standard School.* A standard school is one maintained for at least 180 days in each year, in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances, taught by an approved teacher, directed and supervised by an approved superintendent, with suitable provision for the care of the health and physical welfare of all pupils.

Amend section 3 of the bill by renumbering to read section 4; further amend by striking out the figures "1959" and inserting in place thereof the figures, 1960, so that said section as amended shall read as follows:

4 *Takes Effect.* This act shall take effect as of September 1, 1960.

Mr. Plumer of Bristol moved that the reading of the amendment be dispensed with and explained the amendment.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 340, An Act relative to intellectually retarded children, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 340 was referred to the Committee on Appropriations under the rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 333, An Act relative to required courses of instruction in schools, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the first line the words, "Bill of Rights"; further amend by striking out in the third and fourth and eleventh lines the words "and the Bill of Rights" so that said section as amended shall read as follows:

1 *Declaration of Independence.* Amend RSA 189:10 by adding after the word "state" in the sixth line the following, and also in the Declaration of Independence, so that said section as amended shall read as follows: 189:10 *Studies.* The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene insofar as it relates to the effect of alcohol and narcotics on the human system. In all public and private schools in the state there shall be given regular courses of instruction in the constitutions of the United States and of this state and also in the Declaration of Independence. Any member of the school board who neglects or refuses to comply with the provisions of this section shall be fined two hundred dollars.

The Clerk read the amendment in full.

At the request of Mr. MacIsaac of Laconia, Mr. Bradley of Hanover explained the bill.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 62, An Act providing for an assistant superintendent of schools for Laconia, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the appointment of assistant superintendents.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Assistant Superintendents.* Amend paragraph XXII of RSA 186:11 by striking out the words "except as hereinafter limited" in the fifth and sixth lines and by striking out in the eighth, ninth, and tenth lines the words: "Provided that the board shall not appoint assistant superintendents in more

than five of the supervisory unions" so that said paragraph as amended shall read as follows: XXII. *Superintendent; Assistant Superintendents; Helping Teachers.* Upon consultation with the local school boards in each supervisory union, and upon the nomination of said boards of a suitable and competent person, employ such person as superintendent. It may employ by the same method one or more assistant superintendents or helping teachers when that is reasonably necessary, and may remove a superintendent or assistant superintendent or helping teacher when the interests of the schools require it.

2 *Takes Effect.* This act shall take effect as of July 1, 1959.

House Bill No. 62 was laid on the table for printing of the amendment and will be taken up in the regular order of business on Tuesday, May 12.

Mr. Aucella of Bennington, for the Committee on Executive Department and Administration, to whom was referred House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 407 was referred to the Appropriations Committee under the rules.

Mr. Aucella of Bennington, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 391, An Act relative to real estate belonging to the state, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Aucella of Bennington, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 429, An Act relative to property holding by the First Congregational Society in Ossipee, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Sabluski of Nashua, for the Special Committee consisting of the members from the city of Nashua, to whom

was referred Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 *Bond Requirements.* Amend section 85, Part I, chapter 427, Laws of 1931, by striking out said section and inserting in place thereof the following: Sect. 85. The board of aldermen shall require the city treasurer, who is also the city tax collector, and the deputy city treasurer, who is also the deputy city tax collector, before entering upon the duties of their respective offices, to give two bonds each, one for the faithful performance of their respective duties so far as they pertain to the collection of taxes and one for the faithful performance of their respective duties as city treasurer and deputy city treasurer.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Sabluski of Nashua, for the Special Committee consisting of the members from the city of Nashua, to whom was referred Senate Bill No. 63, An Act providing for the integration of the present non-contributory pension system of the city of Nashua with old age and survivors insurance, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to accept a committee report not previously advertised in the Journal on Senate Bill No. 134, An Act relative to Stratford School District, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The Clerk read the bill in full.

Mr. Pillsbury of Manchester, for the Committee on Education to whom was referred Senate Bill No. 134, An Act relative to Stratford School District, having considered the

same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution sent up from the House of Representatives:

House Joint Resolution No. 33, Joint Resolution in favor of John and Rosemary Cote.

House Bill No. 84, An Act relating to the city assessor of Franklin.

House Bill No. 104, An Act relative to maximum length of motor vehicles.

House Bill No. 430, An Act legalizing the school district meeting held in Tamworth on April 4, 1959.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 99, An Act relative to recounts of ballots after an election.

House Bill No. 305, An Act relative to investments of credit unions.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following joint resolution as amended.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills to whom was referred House Bill No. 110, An Act relative to town aid to veterans, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 *Veterans' Relief.* Amend RSA 165:5 by striking out the words "army or navy, including the marine corps" in the

second line and inserting in place thereof the words, armed forces, and by striking out the words "the poor" in the ninth line and inserting in place thereof the words, public welfare, so that

On motion of Mr. Deans of Milford the House concurred in the amendment.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 305, An Act relative to investments of credit unions.

Senate Bill No. 99, An Act relative to recounts of ballots after election.

Senate Bill No. 139, An Act legalizing a 1959 meeting of the Hudson School district.

Senate Bill No. 142, An Act authorizing the commissioner of public works and highways to enter into an agreement with the federal government relative to highway in Madbury.

Communications

HOUSE OF ASSEMBLY

Bermuda

2nd May, 1959

Representative Alexander M. Taft
New Hampshire State Legislature

DEAR SIR:

I would be grateful if you would convey to the Speaker of your House of Representatives and through him to all members the appreciation of the members of the House of Assembly of Bermuda for the set of congratulatory resolutions passed to commemorate the 350th anniversary of this Colony.

You, sir, as the special emissary and bearer of the resolutions can bear witness to the warmth with which members welcomed this gesture of friendship and good will.

JOHN W. COX,
Speaker.

May 4, 1959

The Honorable Stewart Lamprey
Speaker of the House of Representatives
Concord, New Hampshire

DEAR MR. LAMPREY:

My husband asks me to thank you and the other members of the House of Representatives of the State of New Hampshire for the sentiments expressed in your resolution following his retirement. He was deeply touched by your warm tribute to him.

Sincerely yours,

s/JANET DULLES

Mrs. John Foster Dulles
2740 Thirty-second Street
Washington 8, D. C.

Point of Personal Privilege

Mr. Pickett of Keene rose on a point of personal privilege.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 299, An Act relative to required number of school days in each year for standard elementary schools.

House Bill No. 333, An Act relative to required sources of instruction in schools.

House Bill No. 429, An Act relative to property holding by the first Congregational Society of Ossipee.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 63, An Act providing for the integration

of the present non-contributory pension system of the city of Nashua with old age and survivors insurance.

Senate Bill No. 134, An Act relative to Stratford School District.

Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

On motion of Mrs. Brungot of Berlin the House adjourned at 11:58 o'clock.

TUESDAY, MAY 12, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Eternal God, in the midst of uncertainties, cross purposes, ambivalent feelings and conflicting convictions, we pray that we may be guided by the basic moral laws on which the stability of our civilization is founded. We would remember the ancient teachings — "Thou shalt have no other gods before me" — "Thou shalt not bear false witness against thy neighbor" — ". . . but thou shalt love thy neighbor as thyself". Chisel this into our hearts, we pray, that it may admonish us in legislating and administering the affairs of our State. Amen.

Mrs. Brown of Sandwich led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

The 7th and 8th grades of the Greenville School, courtesy of Mr. Taft of Greenville.

The Junior class of the Milford High School, courtesy of the Milford Delegation.

A group from the North Hampton Grade School, courtesy of Mr. Carter of North Hampton.

A group of Republican women from Belknap and Carroll counties in connection with Legislative Day.

Leaves of Absence

Mr. Hart of Laconia, Ward 1, was granted leave of absence for the week on account of illness.

Mr. Allen of Rindge was granted an indefinite leave of absence on account of illness.

Mr. Hart of Manchester was granted leave of absence for the week on account of important business.

Petition from Members

On motion of Mrs. Brungot of Berlin the members of the House of Representatives were granted leave to remove their coats during the sessions.

Introduction of Bills

The following bills were severally read a first and second time, laid upon the table for printing, and referred as follows:

By Mr. Maloomian of Somersworth, House Bill No. 464, An Act relative to licenses for hawkers and peddlers. To the Committee on Municipal and County Government.

By Mr. Bigelow of Warner, House Bill No. 465, An Act relative to the federal aid highway act of 1956. To the Committee on Public Works.

By Mrs. Berry of Barrington, House Bill No. 466, An Act providing for transportation aid to school districts. To the Committee on Education.

By the Committee on Rules (Mr. Hunter of Hampton) House Bill No. 467, An Act providing that temporary loans may be made by towns in anticipation of bonds or notes. To the Committee on Municipal and County Government.

By the Committee on Rules (Mr. Hunter of Hampton) House Bill No. 468, An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach. To the Committee on Public Works.

Reports of Standing Committees

Mr. Walsh of Manchester, for the Committee on Banks to whom was referred House Bill No. 355, An Act relative to officers of credit unions, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 219, An Act providing for a special committee to be known as the governor's committee on higher education in the state, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out said section and inserting in place thereof the following:

1 *Establishment of Committee.* There is hereby established a special committee to be known as the governor's committee on higher education in the state. Said committee shall consist of one member from the House of Representatives to be appointed by the speaker, one member from the Senate to be appointed by the President of the Senate, and four members to be appointed by the governor, the president of the University of New Hampshire, the president of Keene teachers college and the president of Plymouth teachers college, ex-officio. Any one of the ex-officio members of the committee may appoint a qualified deputy to act in his stead.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following: 2 *Qualifications of Appointed Members.* The appointed members of the committee shall be selected with consideration given to balanced representation from the basic college disciplines, from business and the professions, and from the school boards.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following:

3 *Duties.* The duty of the special committee shall be to make a comprehensive study of education in this state beyond the high school with special emphasis upon (1) teacher education, (2) the question of the revamping of curricula to improve teaching standards and to coordinate courses and

eliminate unnecessary duplication, (3) the question of class size and how most efficiently to use teaching personnel, (4) the question of whether to expand the state institutions of higher learning, (5) the question of whether a large degree of coordination and specialization among these institutions is desirable and (6) whether the development of junior colleges or full scale liberal arts colleges or other types of institutions would be in the interest of higher education in the state.

Amend section 7 of the bill by inserting after the word "governor" in the second line the words, with consent of the council, so that said section as amended shall read as follows:

7 Appropriation. The sum of eight thousand dollars is hereby appropriated for the purposes of this act and the governor with the consent of the council is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was referred to the Committee on Appropriations under the rules.

Mr. Mulaire of Hooksett, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 387, An Act relative to motor vehicle license plates issued to members of the general court, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Eastman of Exeter, for the Committee on Judiciary, to whom was referred Senate Bill No. 45, An Act relative to wills, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Tobin of Manchester and Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 169, An Act relative to requirements for candidates to appear on the primary ballot for nomination as governor, United States senator or representative to Congress, having considered the same, reported the same with the following

amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "one thousand" in the third and seventh lines and inserting in place thereof the words, eight hundred; and by striking out the word "seven" in the fourth and eighth lines and inserting in place thereof the word, four, so that said section as amended shall read as follows:

2 *Change in Number of Petitions Required.* Amend RSA 56:18 by striking out the words "two hundred" in the third line and inserting in place thereof the words, eight hundred, and by striking out the words "one hundred" in the third line and inserting in place thereof the words, four hundred, so that said section as amended shall read as follows: 56:18 *Number of Petitions.* The number of primary petitions to be filed for each office shall be as follows: For governor and United States senator, eight hundred; for representative in congress, four hundred; for councilor, fifty; for county officer, twenty; for state senator, fifteen; for member of the house of representatives and all town officers, five, except in towns where less than fifty voters are registered when one-tenth of the number of registered voters shall be sufficient. For delegate to the state convention no primary petition or filing fee shall be required.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Crosby of Hillsborough explained the amendment.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the amendment.

(discussion ensued)

Mr. Normandin of Laconia spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Healy of Manchester, Ward 6, for the Committee on Judiciary, to whom was referred House Bill No. 268, An Act relative to compulsory tests for intoxication, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Willey of Campton, Mr. Crosby of Hillsborough explained the bill.

On a *viva voce* vote the resolution was adopted.

Mr. Green of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 360, An Act relative to the doctrine of comparative negligence, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Griffin of Auburn, for the Committee on Judiciary, to whom was referred House Bill No. 373, An Act adopting the uniform mandatory disposition of detainers act, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 409, An Act relative to reports of income by certain county and municipal officers, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Green of Manchester and Mr. MacIsaac of Laconia, for the Joint Committee on Judiciary and Insurance, to whom was referred House Bill No. 186, An Act making uniform the laws governing fraternal benefit societies, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. King of Manchester, Mr. Crosby of Hillsborough explained the bill.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred Senate Bill No. 76, An Act relative to assistance for the cancer commission, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Maloomian of Somersworth, Mr. Claflin of Wolfeboro explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Keefe of Portsmouth, for the Committee on Public Works, to whom was referred House Bill No. 378, An Act relative to sale of state property, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Randall of Lee, for the Committee on Transportation, to whom was referred Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Carpenter of Henniker, for the Committee on Transportation, to whom was referred Senate Bill No. 70, An Act relating to obstruction of view in the operation of motor vehicles, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred House Bill No. 427, An Act relating to motor carriers of property, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

House Bill No. 62, An Act providing for an assistant superintendent of schools for Laconia, was taken from the table and the question is on the adoption of the amendment as printed on page 8 of the Journal of May 7th.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

On motion of Mr. Galloway of Walpole the reference of House Bill No. 461, An Act providing funds for accelerated highway construction and improvement program for the state, to the Committee on Public Works was vacated and the bill was referred to a Joint Committee of Appropriations and Public Works.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it voted House Bill No. 268, An Act relative

to compulsory tests for intoxication, inexpedient to legislate and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments. in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

HB 51, An Act relative to wholesaler's permits for sale of liquor and beverages.

Amend the bill by striking out section 181:9-a and inserting in place thereof the following: 181:9-a No person shall through stock ownership, interlocking stock ownership, interlocking directors, or otherwise, have an interest or control, either direct or indirect, in the business of the holder of a wholesaler's permit unless he has been a resident of the state for three consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits by the holders of interest therein on March 15, 1957; nor shall they be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased by the laws of intestate succession or, in the case of a will, those who acquired their interest under said will provided that such legatees are also heirs-at-law or spouse of the deceased.

Mr. Green of Manchester moved that the House non-concur in the amendment sent down from the Senate and asked that a committee of conference be appointed.

Mr. Pickett of Keene spoke against the motion.

Mr. Green of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the Chair appointed the following as conferees on the part of the House: Messrs. Green of Manchester, Healey of Manchester Ward 6 and Crosby of Hillsborough.

The Senate Message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption

of which amendments the Senate asks the concurrence of the House of Representatives:

SB 132, An Act naming an interstate highway.

Amend said bill by striking out the first section and inserting in place thereof the following:

1 *Senator Styles Bridges Highway Named.* That portion of the interstate highway 93 beginning at the traffic circle at Bridge street in Concord on the Frederic E. Everett Highway and extending to the Vermont connection shall be known as the Senator Styles Bridges Highway.

On motion of Mr. Galloway of Walpole the House concurred in the Senate amendment.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 331, An Act to provide for the appointment of guardians either of the person or property of minors or both.

House Bill No. 401, An Act establishing the Manchester Airport Authority.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills and House Joint Resolutions:

House Bill No. 430, An Act legalizing the school district meeting held in Tamworth on April 4, 1959.

House Bill No. 448, An Act legalizing the annual town meeting held in the town of Croydon on March 10, 1959.

House Joint Resolution No. 41, Joint Resolution in favor of Walter R. MacCormack.

House Joint Resolution No. 43, Joint Resolution in favor of the estate of Lewis A. Nelson.

House Bill No. 84, An Act relating to the city assessor of Franklin.

House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch.

House Bill No. 104, An Act relative to maximum length of motor vehicles.

House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems.

House Bill No. 259, An Act relative to license fees for recreation camps.

House Bill No. 320, An Act providing a time limitation for second offense of driving while intoxicated.

House Bill No. 321, An Act establishing an agreement on detainees.

House Bill No. 331, An Act to provide for the appointment of guardians of either the person or property of minors, or both.

House Bill No. 401, An Act establishing the Manchester Airport Authority.

House Joint Resolution No. 33, Joint Resolution in favor of John and Rosemary Cote.

House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings.

Senate Bill No. 40, An Act relating to investments of savings banks.

Senate Bill No. 52, An Act to authorize participating loans by building and loan associations and co-operative banks.

Senate Bill No. 63, An Act providing for the integration of the present noncontributory pension system of the city of Nashua with old age and survivors insurance.

Senate Bill No. 98, An Act to amend the charter of Colebrook Guaranty Savings Bank relative to guaranty fund and property holding.

Senate Bill No. 124, An Act relative to the advertising of alcoholic liquor or beverages.

Senate Bill No. 134, An Act relative to Stratford school district.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse.

Resolutions

Mrs. Neale of Hanover, for the Hanover Delegation, offered the following resolutions:

Whereas, the people of the state have been saddened by the news of the deaths of Dr. Ralph Miller and Dr. Robert Quinn, and

Whereas, the manner of the deaths of these brave men is a tragedy to our state, and

Whereas, Dr. Miller served the state for many years with distinction and was an outstanding public servant in his chosen field, and

Whereas, Dr. Quinn was a brilliant young man with high professional qualifications, now therefore be it

Resolved by the House of Representatives, That we wish to express our deep sympathy to the bereaved families of the doctors who perished, and be it further

Resolved, That a copy of these resolutions be transmitted to the family of Dr. Miller and a copy also be transmitted to the family of Dr. Quinn.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 62, An Act providing for an assistant superintendent of schools for Laconia.

House Bill No. 169, An Act relative to requirements for candidates to appear on the primary ballot for nomination as governor.

House Bill No. 355, An Act relative to officers of credit unions.

House Bill No. 387, An Act relative to motor vehicle license plates issued to members of the general court.

House Bill No. 409, An Act relative to reports by certain county and municipal officers.

House Bill No. 427, An Act relating to motor carriers of property.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law.

Senate Bill No. 70, An Act relating to obstruction of view in the operation of motor vehicles.

Senate Bill No. 76, An Act relative to assistance for the cancer commission.

On motion of Mrs. Davis of Woodstock the House adjourned at 12:21 o'clock.

WEDNESDAY, MAY 13, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Father James Ridge, O.S.B., of St. Raphael's Church in West Manchester.

In the Name of the Father and of the Son and of the Holy Spirit. Amen.

O Lord, let Thy inspiration precede our actions and Thy help further them, so that all our prayers and all our deeds may ever take their beginning from Thee and, so begun, may through Thee reach completion.

We have gathered before Thee this day, O Lord, to transact public business in Your Name and in the name of the great State of New Hampshire. Come to us, O God, and be with us; vouchsafe to enter our hearts and minds; teach us what we should do; show us what we must accomplish, in order that with Thy help, we may be able to please Thee in all things. Enlighten our intellects and dispel from our minds the darkness of ignorance that we may see Thy wonderful purpose working in all things.

Suffer us not to disturb the order of Justice; never allow our minds to be swayed by partiality nor self interest. Neither allow human respect to pervert our judgments, but with the help of Thy grace may we seek Truth in all that we undertake.

In Thy Hands, O Almighty God, rests the authority of all rulers and lawgivers and the rights of all peoples; be pleased then to assist those having the responsibility of enacting our laws, so that under Thy guidance and protection their hearts

and minds will conform to your Holy Will and all living under laws so enacted may enjoy lasting peace and prosperity. Amen.

Pledge of Allegiance to the Flag

Mr. Noel of Manchester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

The 7th grade from Greenland Junior High School, accompanied by Mrs. Gwendolyn Sanderson, courtesy of Mrs. Weeks of Greenland.

The 7th grade from Enfield Junior High School, accompanied by Mrs. Mary Allen, courtesy of Mr. Sanborn of Enfield.

The 7th and 8th grades of Marlow Junior High School, accompanied by Mrs. Frances Strickland, courtesy of Mrs. Forbes of Marlow.

Ninety members of the Catholic Youth Organization of Manchester, courtesy of the Manchester Delegation.

Leave of Absence

Mr. Downing of Newport was granted leave of absence for Wednesday and Thursday on account of a death in the family.

Introduction of a Bill

The following bill was read a first and second time, laid on the table for printing and referred as follows:

By Mrs. Hayward of Hanover, House Bill No. 469, An Act relative to salaries for certain town clerks. To the Committee on Municipal and County Government.

Reports of Standing Committees

Mr. Bushey of Northumberland, for the Committee on Fish and Game to whom was referred House Bill No. 247, An Act relative to hunting during the open season for taking deer, by a person who has during the same season taken a deer,

having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. LaFrance of Manchester, for the Committee on Fish and Game to whom was referred House Bill No. 284, An Act authorizing the fish and game director to prescribe seasons for taking of game, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Keating of Keene, for the Committee on Fish and Game to whom was referred House Bill No. 410, An Act relative to the power of the director of fish and game to make the rules and regulations, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Chandler of Bartlett offered the following amendment.

The Clerk read the amendment in full.

Amend the title of said bill by adding at the end thereof the words "and increasing fees for nonresident fishing licenses" so that said title as amended shall read as follows:

An Act relative to the power of the director of fish and game to make rules and regulations and increasing fees for nonresident fishing licenses.

Amend said bill by inserting after section 2 the following new section:

3 *Nonresident License Fees*. Amend paragraph VIII of RSA 214:9 (supp) as amended by 1955, 324:1 by striking out the word "seven" in the second line and inserting in place thereof the word, nine; by striking out the word "four" in the sixth line and inserting in place thereof the word, five; by striking out the word "two" in the ninth line and inserting in place thereof the word, three, so that said paragraph as amended shall read as follows:

VIII. If the applicant is a non-resident and wishes to take fresh water fish or salt water smelt only, nine dollars, and the agent shall thereupon issue a non-resident fishing

license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt for fifteen consecutive days, five dollars, and the agent shall thereupon issue a fifteen-day non-resident fishing license for said time only under the restrictions of this title, and further provided that if said applicant wishes to take said fish or smelt for three consecutive days, three dollars and fifty cents, and the agent shall thereupon issue a three-day non-resident fishing license for said time only under the restrictions of this title.

Further amend said bill by renumbering section 3 to read section 4.

Mr. Chandler of Bartlett spoke in favor of the amendment.

(discussion ensued)

Mr. Bisbee of Derry spoke in favor of the amendment.

(discussion ensued)

Messrs. Geisel of Manchester and Urie of New Hampton spoke against the amendment.

Mr. Geisel of Manchester spoke a second time against the amendment.

Mr. Bisbee of Derry spoke a second time in favor of the amendment.

(discussion ensued)

Mr. Pickett of Keene spoke against the amendment.

Mr. Chandler of Bartlett spoke a second time in favor of the amendment.

The question being on the amendment as offered by Mr. Chandler of Bartlett.

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pelissier of Manchester, for the Committee on Fish and Game, to whom was referred House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for the fish and game department, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Bisbee of Derry explained the bill.

House Bill No. 412 was referred to the Committee on Appropriations under the rules.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 74, An Act relating to the administration of estates, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 103, An Act relative to institutional guardians, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Ayer of Pittsfield, for the Committee on Judiciary, to whom was referred House Bill No. 389, An Act relative to sessions for correction of check-lists at elections, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Richardson of Dover, for the Committee on Labor, to whom was referred House Bill No. 432, An Act relative to duties of deputy labor commissioner, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Deputy Labor Commissioner*. Amend RSA 273:7 by striking out the same and inserting in place thereof the following:

273:7 *Deputy Commissioner*. The commissioner shall appoint a deputy labor commissioner. Said deputy shall exercise the powers and perform the duties of the commissioner whenever the labor commissioner is incapacitated, absent, unable to act from any cause, or whenever the commissioner deems it advisable and in the interest of all parties concerned. Whenever there is a vacancy in the office of labor commissioner

the deputy shall have the powers and duties of the commissioner until another commissioner is appointed and qualified.

The Clerk read the amendment in full.

Mr. Angus of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Turner of Gilsum, for the Committee on Municipal and County Government, to whom was referred House Bill No. 251, An Act relating to appeals in municipal building regulation matters, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 156:4-a as inserted by section 1 of said bill by striking out the word "shall" in the second line and inserting in place thereof the word, may, so that said section as amended shall read as follows:

156:4-a *Board of Appeal.* Any ordinance or by-law adopted pursuant to the provisions of section 1 of this chapter may provide for a board to be called the board of appeal which shall have the power, by vote of a majority of its members, upon an appeal filed with it by any person aggrieved by any decision of the inspector of buildings, to vary the application of any provision of the building regulations to any particular case, when in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of such building regulations or public interest.

Amend section 156:4-c as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

156:4-c *Appeal.* Any person aggrieved by a decision of the building inspector in the case where no board of appeal or board of adjustment acting as a board of appeal exist; or any person aggrieved by a decision of said board of appeal, or by any board of adjustment acting as a board of appeal, may appeal to the superior court for the county either in term time or vacation, and said court shall make such orders as justice may require.

Mr. Deans of Milford moved that the reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion was adopted.

The question now being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Clafin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 392, An Act relative to the standards of barbers, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Clafin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 364, An Act establishing the humane slaughter law, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph 1 of RSA 575-A:1, as inserted by section 1 of the bill, by striking out in the fourth line the words "in commerce" so that said paragraph as amended shall read as follows:

1. The term "slaughterer" means any person, partnership, corporation or association regularly engaged in the slaughtering of livestock;

Amend RSA 575-A:1 by inserting at the end of said section the following new paragraph:

IV. The term "holding pens" means enclosures or yards where animals are held or handled before slaughtering.

Amend RSA 257-A:2 by renumbering and by striking out said section and inserting in place thereof the following:

575-A:2 *Prohibition*. On and after June 30, 1960, no slaughterer may slaughter livestock except by a humane method. No person may handle livestock in connection with slaughter, or drive or transport them to holding pens or to place of slaughter except with a minimum of excitement and discomfort. Holding pens and transportation vehicles must be free from hazards which could cause suffering or pain. Shackling, hoisting or otherwise bringing livestock into position for slaughter, by any method that causes injury or avoidable pain is prohibited.

Amend the paragraph now numbered 257-A:3 by renumbering to read 575-A:3.

Amend the paragraph numbered 257-A:4 by renumbering and striking out and inserting in place thereof the following:

575-A:4 *Administration and Enforcement.* The commissioner of agriculture shall administer the provisions of this chapter, promulgate such rules and regulations as may be necessary to carry this chapter into effect, and approve all methods of slaughter used under the terms of this chapter. He may, by administrative order, allow any person a single temporary exemption from compliance with any provision of this chapter for such period of time as he shall determine reasonable, not to exceed one year. The commissioner of agriculture shall cause to be prosecuted any slaughterer who fails to comply with the provisions of this chapter. Any officer or agent of any incorporated society for the prevention of cruelty to animals, upon being designated, in writing, for that purpose by the sheriff of any county in this state, may, within such county, at any time inspect the premises and operations of any slaughterer and, if he deems it advisable, request an investigation and appropriate action by the commissioner of agriculture.

On motion of Mr. Claflin of Wolfeboro reading of the amendment was dispensed with.

Mr. Claflin of Wolfeboro explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 181, An Act relative to the sale of liquor or beverage to a minor.

Amend section 1 of the bill by adding in line 6, after the word "writing" the words, and supported by some official document, so that said section as amended shall read as follows:

1 *Sales to Minors.* Amend RSA 175 by inserting after section 6 thereof the following new section: 175:6-a *Sales to Minors.* The establishment of all of the following facts by a person making a sale of liquor or beverage to a minor shall constitute prima-facie evidence of innocence and a defense to any prosecution therefor: (a) that the minor falsely represented in writing and supported by some official document that he or she was twenty-one years of age or over; (b) that the appearance of the minor was such that an ordinary and prudent person would believe him or her to be twenty-one years of age or over; and (c) that the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the minor was actually twenty-one years of age or over.

On motion of Mr. Pickett of Keene the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 145, An Act relative to the issuance of capital debentures by certain state banking institutions.

Introduction of a Senate Bill

Senate Bill No. 145, An Act relative to the issuance of capital debentures by certain state banking institutions, was read a first and second time, laid on the table and referred to the Committee on Banks.

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to dispense with the reference to Committee of Senate Bill No. 145, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Gilman of Farmington moved that Senate Bill No. 145 be made a Special Order for 11:01 tomorrow morning (Thursday).

On a *viva voce* vote the motion was adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House

adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 410, An Act relative to the power of the director of fish and game to make rules and regulations.

House Bill No. 432, An Act relative to duties of deputy labor commissioner.

House Bill No. 251, An Act relating to appeals in municipal building regulation matters.

House Bill No. 364, An Act establishing the humane slaughter law.

The following Senate Bills were read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 74, An Act relating to the administration of estates.

Senate Bill No. 103, An Act relative to institutional guardians.

On motion of Mrs. Brungot of Berlin the House adjourned at 12:05 o'clock.

THURSDAY, MAY 14, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Richard Tilton Clark, Congregational Church, Lee, N. H.

O Thou Who art the beginning and end of all things, the Creator and Sustainer of all life and from Whom cometh every good and perfect gift, be pleased to bless and sanctify our labors on behalf of all men that we may be faithful stewards of Thy Grace, Mercy and Power. Keep us ever mindful of our limitations, ever open to the opinions of others, and ever faithful to what we believe to be Thy Will. And in all things give us grace to commit ourselves to Him Who is the Way, the Truth and the Life, Jesus Christ our Lord, to Whom with Thee, O Father, and the Holy Spirit, we ascribe all glory and praise, for ever and ever. Amen.

Pledge of Allegiance to the Flag

Mr. Randall of Lee led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

A group from the Pierce School of Bennington in charge of Mrs. Coady Prince, courtesy of Mr. Aucella of Bennington.

A group from Antrim High School in charge of Mr. K. F. Bailey, courtesy of Mr. Edwards of Antrim.

Leaves of Absence

Mr. Bevan of Durham was granted an indefinite leave of absence on account of illness.

Messrs. Peever of Salem and Pillsbury of Manchester were granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bill and House Joint Resolution were read a first and second time, laid on the table for printing and referred as follows:

By the Committee on Rules (Mr. Gilman of Farmington) House Bill No. 470, An Act relative to license fees for recreational camps. To the Committee on Resources, Recreation and Development.

By the Committee on Rules (Mrs. Frizzell of Charlestown) House Joint Resolution No. 48, Joint Resolution for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents. To the Committee on Appropriations.

Reports of Standing Committees

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income, having considered the same, reported

the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 294, An Act establishing an administrative committee for municipal courts, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the figures \$1,358,221 in the fourth line and inserting in place thereof the figures, \$1,358,000.00; further amend said section by inserting at the end thereof the following: The balance of \$221.00 shall be a charge upon the general fund of the state, so that said section as amended shall read as follows:

2 *Bond Issue.* To provide funds for the purposes of section 1 the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of \$1,358,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, rate of interest, the date when interest shall be paid, the time or times of issue. The governor and council shall determine the dates of maturity of such bonds and notes, provided that such maturity shall not exceed twenty years. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The balance of \$221.00 shall be a charge upon the general funds of the state.

Amend section 4 of the bill by striking out the figures \$1,358,221 in the fourth line and inserting in place thereof the

figures, \$1,358,000, so that said section as amended shall read as follows:

4 *Proceeds from Sale.* The proceeds of the sale of said bonds or notes authorized by section 2 shall be paid out by the treasurer upon warrant drawn by the governor with advice and consent of the council for the purpose of reimbursement to the general funds of the state in the amount of \$1,358,000.

Amend section 6 of the bill by striking out the figures \$1,358,221 in the sixth line and inserting in place thereof the figures, \$1,358,000, so that said section as amended shall read as follows:

6 *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purpose hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of the state on short term loans exceed \$1,358,000.

On motion of Mr. Clement of Rochester the reading of the amendment was dispensed with.

Mr. Clement of Rochester explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Crowley of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 325, An Act relating to the Korean Bonus, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by inserting after section 1 the following new section:

2 *Transfer of Balance.* Any balance after carrying out the provisions of section 1 shall be transferred to the general fund.

Amend section 2 of the bill by renumbering said section to read section 3.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Belcourt of Nashua, for the Committee on Appropriations, to whom was referred House Bill No. 349, An Act to provide for consolidated bond issue to reimburse the state treasury, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the same and inserting instead thereof the following:

1 *Consolidated Bond Authorization.* For the purpose of reimbursing the general fund of the state for expenditures already made under the following authorizations the state treasurer is hereby authorized to consolidate into one bond issue of \$235,000, the following unfunded expenditures made under the following four bond authorizations:

Under 1951, 254, capital improvements	\$19,492.08
Under 1953, 264, capital improvements	107,964.48
Under 1953, 262, capital improvements	40,765.13
Under 1949, 322, state office building	68,097.89
	<hr/>
	\$236,319.58

Of the above amount \$1,319.58 shall be a charge upon the general funds, and the balance of \$235,000 shall be a charge upon the bonds hereby authorized.

Amend section 2 by striking out the same and inserting instead thereof the following:

2 *Borrowing Power.* The treasurer is hereby authorized, under the direction of the governor and council to borrow upon the credit of the state said sum of \$235,000 for the purposes of reimbursing the general fund and may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of interest. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

On motion of Mr. Clement of Rochester, reading of the amendment was dispensed with and Mr. Clement explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Taft of Greenville, for the Committee on Claims, to whom was referred House Joint Resolution No. 42, Joint Resolution in favor of Annie Hallinan, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Miss Whipple of Lebanon, for the Committee on Education, to whom was referred House Bill No. 426, An Act to increase the fee for teachers' registration with the state board of education, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 *Application for Position of Teacher*. Amend RSA 186:30 by striking out the same and inserting in place thereof the following, so that said section as amended shall read as follows: 186:30 *Registration*. Any person may file in the office of the state board an application for the position of teacher in the public schools of the state, and, when accompanied by a fee set by the state board to cover the cost of the service but not to exceed ten dollars together with such evidence of character, qualifications, education, and experience as the state board shall require, the application shall be registered, and the person shall be entitled to the benefits of the following sections; provided, that such persons shall furnish the state board from time to time such material information as it shall require, and failure to do so for the period of one year shall operate as a cancellation of

The Clerk read the amendment in full.

At the request of Mr. Chandler of Bartlett, Mr. O'Neil of Chesterfield explained the amendment.

(discussion ensued)

Mr. Chandler of Bartlett spoke against the bill.

Mr. O'Neil of Chesterfield spoke in favor of the bill

(discussion ensued)

Mr. MacIsaac of Laconia moved that House Bill No. 426 be recommitted to the Education Committee.

On a *viva voce* vote the motion was adopted.

Mr. Healey of Manchester, Ward 5, for the Committee on Liquor Laws, to whom was referred House Bill No. 393, An Act relative to operation of state liquor stores, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Deans of Milford, Mr. Nickerson of Goffstown explained the resolution to the committee.

Mr. Malley of Somersworth spoke in favor of the bill.

(discussion ensued)

Mr. Underhill of Nashua spoke in favor of the resolution of the committee.

(discussion ensued)

Mr. Deans of Milford moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate," and spoke in favor of the motion.

Mr. Clement of Rochester spoke in favor of the motion.

Mr. Charland of Franklin spoke against the motion.

(discussion ensued)

Mr. Nickerson of Goffstown spoke against the motion.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

Mr. Brown of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to substitute the words "Ought to Pass" for the words "Inexpedient to Legislate".

On a *viva voce* vote the motion did not prevail.

Mr. Hancock of Concord requested a division.

A division vote having been taken and being manifestly in the negative the motion to substitute did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Reconsideration

Mr. Pickett of Keene, having voted in the majority, asked that the House reconsider its vote whereby it accepted the resolution of the committee on House Bill No. 393.

On a *viva voce* vote the motion did not prevail.

Mr. Flynn of Boscawen, for the Committee on Transportation to whom was referred House Bill No. 207, An Act relating to the operation of motor busses, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following: 1 *Operation of Motor Busses.* Amend RSA 263:65 by striking out the word "forty-five" in the fourth line and inserting in place thereof the word, fifty; further amend by striking out the words, "Provided further, that a motor bus may be operated on the highways of this state which shall be equipped with three axles, and which shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, and which shall not have an axle load of more than eighteen thousand pounds on any one axle, provided further, that said type motor bus may be operated only on those highways specifically designated by the commissioner of motor vehicles" in the last eight lines and inserting in place thereof the words, provided further, that a motor bus which has an overall length, inclusive of front and rear bumpers, in excess of thirty-five feet, but not in excess of forty feet, and the load on any axle not in excess of the limits provided in RSA 263:61, may be operated only on those highways of this state specifically designated by the commissioner of motor vehicles, so that said section as amended shall read as follows: 263:65 *Width and Length.* No vehicle whose width including load is greater than ninety-six inches, or whose length including load is greater than thirty-five feet, and no combination of wheels coupled together whose total length, including load, is greater than fifty feet, shall be operated on the highways of this state. Provided, however, that the provisions of this section relative to length shall not apply to vehicles transporting poles, logs,

timbers or metal, when actually so employed, and that in determining width there shall be excluded six inches of any increase in width due to changing to low pressure tire equipment from other tire equipment. Provided further, that a vehicle may be operated on the highways of this state transporting a load of loose hay or loose fodder when the width including such load is greater than ninety-six inches so long as the width of said vehicle without said load does not exceed said ninety-six inches. Provided further, that a motor bus which has an overall length, inclusive of front and rear bumpers, in excess of thirty-five feet, but not in excess of forty feet, and the load on any axle not in excess of the limits provided in RSA 263:61, may be operated only on those highways of this state specifically designated by the commissioner of motor vehicles.

On motion of Mr. Terry of Westmoreland, reading of the amendment was dispensed with and Mr. Terry explained the bill and amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Davis of Concord, for the Special Committee consisting of the members from the city of Concord, to whom was referred House Bill No. 154 (in new draft and with new title), An Act relative to the use of fluorine in the public water supply in the city of Concord, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fourth line the word "next" and inserting in place thereof the figures, 1959, so that said section as amended shall read as follows:

1 *Use of Fluorides by the City of Concord.* From and after January 1, 1960 introduction of fluorides into the public water supply and system of the city of Concord shall be discontinued unless approved by a majority of its voters present and voting at the 1959 regular municipal election. There shall be inserted on the ballot in said election the following question: "Shall the city of Concord use fluorides in its public water supply?" Beside the question there shall be printed a box, ☐ Yes and a box ☐ No.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Gilman of Farmington called for the Special Order on Senate Bill No. 145, An Act relative to the issuance of capital debentures by certain state banking institutions and spoke in favor of the bill.

Mr. Crosby of Hillsborough spoke in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gilman of Farmington requested a division vote.

A division vote being taken and 164 members having voted in the affirmative and 127 members having voted in the negative, Senate Bill No. 145 was ordered to a third reading.

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 470, An Act relative to license fees for recreational camps, that reference to committee be dispensed with, and that the bill be taken up at the present time.

The Clerk read House Bill No. 470 in full.

The question is on the motion by Mr. Gilman of Farmington.

On a *viva voce* vote the motion was adopted and the bill was ordered to a third reading.

Mr. Pickett of Keene moved that House Bill No. 28, An Act relative to the conduct of sweepstake races and the sale of tickets thereon, be recalled from the Appropriations Committee and be made a Special Order for 11:01 o'clock, May 28th, and spoke in favor of the motion.

Mr. Bell of Plymouth spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Bell of Plymouth rose on a point of personal privilege.

Senate Messages

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 316, An Act relative to salary of the justice of the Seabrook municipal court.

House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons.

House Bill No. 90, An Act relating to the suspension of boat registrations.

House Bill No. 280, An Act relative to fines for over-time parking at state owned parking areas at Hampton Beach.

House Bill No. 370, An Act concerning trustee process on county officials or employees.

House Bill No. 271, An Act relative to the fees for license to carry pistols and revolvers.

House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington.

House Joint Resolution No. 36, Joint Resolution relative to special appropriation for the cancer commission.

House Bill No. 42, An Act relative to fill in great ponds and purchase of sand and gravel from the bed of public waters.

House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax reassessment.

House Bill No. 327, An Act establishing a central purchasing department for towns.

House Bill No. 397, An Act legalizing the school district meeting held in South Hampton on March 17, 1959.

The Senate Message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 88, An Act relating to motor vehicle fees and municipal permits.

Senate Bill No. 109, An Act authorizing the issuance of short term loans for highway purposes.

Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the State.

Senate Bill No. 137, An Act relative to debt limitation of the industrial development authority.

Senate Bill No. 140, An Act relating to witnesses in criminal cases.

Senate Bill No. 127, An Act relating to the educational expenses of minors.

Senate Bill No. 141, An Act changing the name of Red Head Island located in Lake Winnepesaukee.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 127, An Act relating to the educational expenses of minors, to the Committee on Education.

Senate Bill No. 141, An Act changing the name of Red Head Island located in Lake Winnepesaukee, to the Committee on Executive Departments and Administration.

Mr. Monahan of Hanover moved that the rules of the House be so far suspended as to dispense with committee reference on Senate Bill No. 141 and that the bill be acted on at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and Senate Bill No. 141 was ordered to a third reading.

Senate Bill No. 88, An Act relating to motor vehicle fees and municipal permits, to the Committee on Transportation.

Senate Bill No. 109, An Act authorizing the issuance of short term loans for highway purposes, to the Committee on Public Works.

Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the State, to the Committee on Public Works.

Senate Bill No. 137, An Act relative to debt limitation of the industrial development authority, to the Committee on Appropriations.

Senate Bill No. 140, An Act relating to witnesses in criminal cases, to the Committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the adoption of the amendments offered by the House of Representatives to the following entitled bill:

Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua.

The Senate message further announced that the Senate has passed the following concurrent resolution, in the passage of which it asks the concurrence of the House of Representatives:

Concurrent Resolution

Inviting the Choir from Keene Teachers College to appear before the Legislature.

Resolved, by the Senate, the House of Representatives concurring, That said Choir be invited to appear before the

Senate and House in Joint Convention on Tuesday, May 26th, 1959.

On motion of Mr. Gilman of Farmington the House concurred in the adoption of the concurrent resolution.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 110, An Act relative to town aid to veterans.

Report of Committee on Engrossed Bills

Mrs. Johnson of Monroe and Mr. Lacasse of Berlin, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

House Bill No. 280, An Act relative to fines for overtime parking at state owned parking areas at Hampton Beach.

House Bill No. 370, An Act concerning trustee process on county officials or employees.

House Joint Resolution No. 36, Joint Resolution relative to special appropriation for the cancer commission.

Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law.

Senate Bill No. 70, An Act relating to obstruction of view in the operation of motor vehicles.

Senate Bill No. 76, An Act relative to assistance for the cancer commission.

Senate Bill No. 113, An Act providing for a deputy city treasurer and tax collector for the city of Nashua.

House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington.

House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons.

House Bill No. 271, An Act relative to the fees for license to carry pistols and revolvers.

House Bill No. 316, An Act relative to salary of the Seabrook municipal court.

House Bill No. 110, An Act relative to town aid to veterans.

Senate Bill No. 132, An Act naming an interstate highway.

Resolutions

Mrs. Ayre of Laconia offered the following resolutions:

Whereas, Myron B. Hart, Representative from Laconia, is ill, therefore be it

Resolved, That we, the Members of the House of Representatives of the General Court of New Hampshire, hereby express our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Hart a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence.

House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income.

House Bill No. 294, An Act establishing an administrative committee for municipal courts.

House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund.

House Bill No. 325, An Act relating to the Korean Bonus.

House Bill No. 349, An Act to provide for consolidated bond issue to reimburse the state treasury.

House Bill No. 207, An Act relating to the operation of motor buses.

House Bill No. 154, An Act relative to the use of fluorine in the public water supply in the city of Concord.

House Bill No. 470, An Act relative to license fees for recreational camps.

The following Senate Bills were severally read a third

time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 145, An Act relative to the issuance of capital debentures by certain state banking institutions.

Senate Bill No. 141, An Act changing the name of Red Head Island located in Lake Winnepesaukee.

The Chair announced that today is the 49th birthday of Mr. Latour of Nashua.

The Chair also announced that Tuesday, May 19th is the 90th birthday of a former member from Concord, Dr. George H. Nash, 31 Howard Avenue, Tilton, and that it would be nice if some of the members would remember him with cards.

On motion of Mrs. Christiansen of Berlin the House adjourned at 12:54 o'clock.

TUESDAY, MAY 19, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Margaret L. Frerichs, of the Lyme Congregational Church.

"O Lord, Thou hast searched us and known us. Thou knowest our downsitting and our uprising. Thou understandest our thoughts afar off. There is not a word on our tongues but Thou, O Lord, knowest it altogether."

O Thou Who hast been since time began and Who dost look on our tiny span of life with the love and patience of eternity, grant us a sense of Thy presence here. We need Thy wisdom to govern ourselves and those who depend upon us. Quiet us that we may think and speak clearly.

We thank Thee, God our Father for those who have gone before us, for the rich memories of those who have laid the foundation stones on which we build, of those who have patiently guided and directed us so that today we may take our places as responsible leaders.

We thank Thee, too, for those who follow after us, who will climb the stairways we have built toward the future. Help us to remember that no one of us lives to himself or dies to himself.

Enable us now to plan wisely, to serve humbly, to live courageously.

We pray in the name of Jesus Christ. Amen.

Pledge of Allegiance to the Flag

Mr. Haskins of Lyme led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following groups as Guests of the House today:

A group of 7th and 8th grades of the Wakefield Grade School, courtesy of Mr. Duchano of Wakefield.

A group of Nashua High School students in charge of Mr. Paquette, courtesy of Nashua Delegation.

A group of students from the Loudon Grade School in charge of Mr. Hislop, courtesy of Mr. Presby of Loudon.

Honorable Fred Ingham of Winchester is a guest of the House today. He served ten terms as a member of the House, plus five special sessions.

Leaves of Absence

Mr. Wheeler of Keene was granted leave of absence for the week on account of illness.

Mr. Merrill of Exeter was granted leave of absence for the day on account of illness.

Mr. Spofford of Jaffrey was granted leave of absence for the day on account of illness in the family.

Mr. Pike of Fitzwilliam was granted leave of absence for the day to attend a funeral.

Messrs. Burbank and Hart of Laconia were granted indefinite leaves of absence on account of illness.

Reports of Standing Committees

Mrs. Neale of Hanover, for the Committee on Appropriations to whom was referred House Joint Resolution No. 19, Joint Resolution in favor of Catherine J. Silva, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 31, Joint Resolution relative to the transfer of funds by the state treasurer, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Crowley of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 32, Joint Resolution in favor of Lew A. Wallace, having considered the same, reported the same with the following Resolution:

Resolved. That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Miss Loizeaux of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 31, An Act relative to compensation for members of state aeronautics commission, having considered the same, reported the same with the following Resolution:

Resolved. That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Reconsideration

Mr. Pillsbury of Manchester served notice that on today or some subsequent day he would ask the House to reconsider its vote whereby House Bill No. 426, An Act to increase the fee for teacher's registration with the state board of education, was recommitted to the Committee on Education.

Mr. Pillsbury of Manchester moved that the House reconsider its vote whereby House Bill No. 426 was recommitted to the Committee on Education and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The question is on the adoption of the amendment to House Bill No. 426.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 192, An Act relating to appropriations for the University of New Hampshire,

having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Walsh of Manchester, for the Committee on Banks, to whom was referred Senate Bill No. 129, An Act changing the name of Rochester Trust Company, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Harkins of Laconia, for the Special Committee consisting of the members of the city of Laconia to whom was referred House Bill No. 363, An Act relating to the city charter of the city of Laconia, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. DeLude of Unity moved that the rules of the House be so far suspended as to allow the introduction of a bill not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

House Bill No. 471, An Act changing the effective date of provisions for boys and girls benefit funds was read a first and second time.

The Clerk read the bill in full.

Mrs. DeLude of Unity moved that the rules of the House be further suspended as to dispense with the printing and committee reference on House Bill No. 471, and that the bill be placed on third reading and final passage at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 471, An Act changing the effective date of provisions for boys and girls benefit funds was read a third time, passed, and sent to the Senate for concurrence.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to have third reading of bills by title only and House Joint Resolution by caption only at the present time and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Readings

The following House Bills and House Joint Resolution were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 426, An Act to increase the fee for teacher's registration with the state board of education.

House Bill No. 363, An Act relating to the city charter of the city of Laconia.

House Joint Resolution No. 31, Joint Resolution relative to the transfer of funds by the state treasurer.

Senate Bill No. 129, An Act changing the name of Rochester Trust Company, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Mr. McMeekin of Haverhill, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 348, An Act establishing a department of commerce, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 216-A:15 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

216-A:15 *Park Operations.* There shall be a division of park operations in the department of commerce and the chief of park operations, as director of said division, under the supervision of the commissioner shall:

I. Execute all matters pertaining to the administration and operation of recreational facilities and services for public use on state parks and recreational areas;

II. Perform such other duties as the commissioner may require.

Amend RSA 216-A:19, as inserted by section 1 of said bill, by inserting at the end thereof the following: Provided, however, all state employees who are employed in the department of forestry and recreation and in the planning and development commission, as of July 1, 1959, or as of the date declared by the governor for the abolition of classified positions, who apply for appointment in the department of commerce shall receive preference as provided by Section 8 of Rule II of the

Rules of the Department of Personnel of the State of New Hampshire. All such employees who are appointed by the commissioner shall retain all benefits earned by them under present personnel regulations or pertinent statute, such as yearly increases, annual and sick leave, longevity pay and retirement privileges.

Amend section 20 of said bill by striking out the same and inserting in place thereof the following new section:

20 *Committee To be Appointed.* There shall be a committee consisting of twenty-five members, twelve members of the house to be appointed by the speaker of the house; four members of the senate to be appointed by the president of the senate; nine members to be appointed by the governor which shall include a representative from the forestry and recreation department, the department of labor, the planning and development commission, the department of personnel and the judicial council. Each political party shall be represented in the legislative appointments.

21 *Duties.* The committee shall study the proposed reorganization for the consolidation of functions of the department of forestry and recreation and the planning and development commission into a department of commerce for the purpose of reducing expenditures, promoting economy, increasing efficiency and eliminating duplication of effort. Said committee shall make a report to the legislature at the next session of the general court, regular or special, and include therein its recommendations as to the feasibility of the enactment of the above mentioned plan or any other plan to accomplish the same purposes.

22 *Compensation.* The members of the committee shall serve without pay but may be reimbursed for their necessary expenses in connection with their official duties hereunder. The sum of two thousand dollars is hereby appropriated for said expenses, and said sum appropriated shall be a charge upon the general fund.

23 *Takes Effect.* The provisions of sections 20, 21 and 22 shall take effect upon the passage of this act. The remaining provisions of this act shall not take effect unless and until the same shall be adopted at some subsequent session of the general court after the special committee has made the study required by section 21 hereof.

The undersigned, a minority of the Committee on Executive Departments and Administration, to whom was referred House Bill No. 348, An Act establishing a department of commerce, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

REBECCA A. GAGNON,
JOHN B. MULAIRE,
JAMES CHRISTY,
ELMER M. HUNT,
CONRAD E. SNOW,
ARTHUR G. MARX,
L. FAY BURRILL,
ALEXANDER M. TAFT,
THEODORE AUCELLA,
JULIA H. WHITE,
JOSEPH L. GRAHAM,

A Minority of the Committee.

The reports were accepted.

Mr. Marx of Langdon moved that the words "Ought to Pass" be substituted for the words "Ought to Pass with amendment".

The Chair declared a one hour recess.

Recess

After Recess

The question before the House is on the motion of the member from Langdon, Mr. Marx, that the words "Ought to pass" be substituted for the words "Ought to pass with amendment".

(discussion ensued)

Mr. McMeekin of Haverhill spoke against the motion.

(discussion ensued)

Mr. Malley of Somersworth spoke against the motion.

(discussion ensued)

Mr. MacIsaac of Laconia spoke in favor of the motion.

(discussion ensued)

Mr. Hunt of Salisbury spoke in favor of the motion.

Mr. King of Manchester spoke against the motion.

(discussion ensued)

Mr. Taft of Greenville spoke in favor of the motion.

(discussion ensued)

Mr. Crosby of Hillsborough spoke against the motion.

(discussion ensued)

Mr. Miskelley of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Monahan of Hanover spoke against the motion.

(Mr. Green of Manchester in the Chair)

(discussion ensued)

Mr. Blanchard of Jackson spoke in favor of the motion.

(discussion ensued)

Mrs. DeLude of Unity and Messrs. Willey of Campton, and Watson of Belmont spoke against the motion.

Messrs. Snow of Gilmanton and Sanborn of Hampton Falls spoke in favor of the motion.

(Speaker in the Chair)

Messrs. Burrill of Littleton, Stonemetz of Dover and Nickerson of Goffstown spoke in favor of the motion.

Mr. Plourde of Pembroke spoke against the motion.

(discussion ensued)

Mr. Normandin of Laconia spoke against the motion.

Mr. Coutermarsh of Lebanon spoke in favor of the motion.

(discussion ensued)

Mr. Chandler of Bartlett spoke in favor of the motion.

Messrs. Pickett of Keene and Pillsbury of Manchester spoke against the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the motion.

Mr. Maloomian of Somersworth moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being on the motion of Mr. Marx of Langdon that the words "Ought to Pass" be substituted for the words "Ought to Pass with amendment".

Mr. Miskelley of Keene demanded the Yeas and Nays.

Yeas, 173

CHESHIRE COUNTY: Washburn, Gowing, Turner, Stearns, Haley, Keating, McCullough, Miskelly, Kretowicz, Forbes, Hackler, Galloway, Frost, Sawyer.

SULLIVAN COUNTY: Angus, Phillips, Burrows, Marx, Rowell, Spalding, Merrifield.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Plumer, Graham of Canaan, Chamberlain of Holderness, Beard, Coutermarsh, McGee, Armstrong of Littleton, Burrill, Kelley, Birch, Cushman.

COOS COUNTY: Brungot, Christiansen, Gagnon, Marsh, Oakes, Emerson, Bragg, Swett, Potter, Styles, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Clark, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Labranche, Cheney, Pinkham, Dondero, Keefe, Wood, Dame, Wardwell, White of Portsmouth, Ward 4, Ingraham, Carkin, Cross, Langford, Roulston, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Dunnington, Stonemetz, Calcutt, Richardson, Flanagan, Drew, Gilman of Farmington, Reid, Rolfe, Maxfield, Watson, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Boisvert of Rollinsford, Maloomian.

BELKNAP COUNTY: Snow, Lacaille, Prescott of Laconia, MacIsaac, Smith of Meredith, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Hodgdon.

MERRIMACK COUNTY: Flynn, Laflamme, Dowd, Davis of Concord, Robinson of Concord, Chase of Concord, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Mulaire, London, Burleigh, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Edwards, Aucella, Farwell, Vadney, Hambleton, Nickerson of Goffstown, Poor, Taft, Goodwin, Ainley, Green, Danforth, Geisel, Goode, Kimball of Manchester, Hart of Manchester, Martel of Manchester, Ward 3, Nolan, Armstrong of Manchester, Lafrance, Tessier, Belanger, Maston, Daniel, DeGrace, Peaslee of Merrimack, Cole, Cooper, Saunders, Underhill, Thibault of Nashua, Belcourt, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Ryan, Bouley, Grandmaison, Sabluski, Bouthillier, Gingras.

Nays, 196

CHESHIRE COUNTY: O'Neil of Chesterfield, Gordon of Jaffrey, Terrill, Bennett, Brown of Keene, Faulkner, Pickett, Oliver, Bouvier, Congdon, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Russell, Nahil, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Willey, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Clement of Landaff, Guay of Lebanon, Whipple, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Sheridan, Bouchard, Lacasse of Berlin, Crockett, Graham of Gorham, Kimball of Jefferson, Bushey, Stinson.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Batchelder, Gay of Derry, Blair, Jones, Weeks, Spollett of Hampstead, Sheehy, Twardus, Carter, Palmer of Plais-tow, Murch, White of Portsmouth, Ward 5, Peever, Willis, Gordon of Sandown, Barker, Waterhouse.

STRAFFORD COUNTY: Wiggin of Dover, Desjardins,

Grimes, Colbath, Chase of Durham, Littlehale, Randall, Moulton, Hartigan, Varney, Habel, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson, Lord, Harkins, Normandin, Karagianis, Pickering of Meredith, Atwood.

CARROLL COUNTY: Stokes, Nickerson of Tamworth, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Bates, Henry, Hancock, Gibson, Woodman, Lessels, Mannion, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Newell, Rufo, Carr, Carpenter, Lafond of Hooksett, Montgomery, Presby, Perry, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, McGrath, Stone.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Herrick, Branch, Pickering of Hancock, Crosby, Daneault, Gallagher, Gamache, Legallee, Lang, Pettigrew, Pillsbury, Sullivan, Tobin, Cullity, Burke, Betley, Healey of Manchester, Ward 5, Manning, Walsh, Casey, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Leclerc, Champagne, Compagna, Delisle, Pelissier, Cary, Morris, Bergeron, Kearns, King, Hurley, Lafond of Manchester, Noel, Lévasseur, Martel of Manchester, Ward 12, Nalette, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Deans, Falconer, Hayward of Milford, Trombly, Brosnahan, Pappagianis, Boisvert of Nashua, Chartrain, Bissonnette, Latour, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

Mr. Merrill of Exeter voting No, paired with Mr. Ballam of Walpole voting Yes.

Mrs. Ayer of Laconia voting Yes, paired with Mr. Varrell of Laconia voting No.

Mr. Maxham of Concord voting No, paired with Mr. Urie of New Hampton voting Yes.

And the motion did not prevail.

The question now is on the report of the majority, ought to pass with amendment.

(discussion ensued)

Mr. Kimball of Manchester requested that the amendment be divided in three parts and be voted on individually.

The Chair declared a two minute recess.

Recess

After Recess

Mr. Kimball of Manchester withdrew his request.

On a *viva voce* vote the amendment was adopted and the bill was referred to the Appropriations Committee under the rules.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 135, An Act relative to borrowing by municipalities.

Introduction of a Senate Bill

Senate Bill No. 135, An Act relative to borrowing by municipalities, was read a first and second time and referred to the Committee on Municipal and County Government.

A further Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 244, An Act relating to borrowing by counties.

Amend said bill by inserting after section 1 the following new section:

2 *Repeal.* RSA 29:9 relative to approval of the superior court for certain borrowing is hereby repealed.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Deans of Milford the House concurred in the amendment sent down from the Senate.

The Senate Message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 225, An Act closing the season for taking hen pheasants for a period of two years.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 337, An Act relating to private nursery schools.

House Bill No. 243, An Act in relation to district liability for elementary school tuition.

House Bill No. 72, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry and Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 42, An Act relative to fill in great ponds and purchase of sand or gravel from the bed of public waters.

House Bill No. 181, An Act relative to the sale of liquor or beverages to a minor.

House Bill No. 243, An Act in relation to district liability for elementary school tuition.

Senate Bill No. 74, An Act relating to the administration of estates.

Senate Bill No. 145, An Act relative to the issuance of capital debentures by certain state banking institutes.

House Bill No. 72, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating the height, location and visual and aural identification characteristics of certain structures.

House Bill No. 327, An Act establishing a central purchasing department for towns.

House Bill No. 337, An Act relating to private nursery schools.

House Bill No. 397, An Act legalizing the school district meeting held in South Hampton on March 17, 1959.

Senate Bill No. 103, An Act relative to institutional guardians.

Senate Bill No. 141, An Act changing the name of Red Head Island in Lake Winnepesaukee.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mrs. Gagnon of Berlin the House adjourned at 5:45 o'clock.

WEDNESDAY, MAY 20, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Robert Robb, from the Orford and Orfordville Congregational Churches and Lyme Center Baptist Church.

Our Father and Our God, Thou Who art the Ruler of the Universe, the Giver of the Law unto men, establish within each of us the courage and the desire to legislate according to what Thou hast revealed to us in Jesus Christ.

Help us to discover and know that those whom each of us call "my people" are Thy people and that it is according to Thy will that we determine what will be done for Thy people.

Forgive us our imperfection and our little motives, forgive our eagerness for compromise when to compromise means a denial of that which leads to the uplifting and betterment of Thy people.

Forgive our rigidity and unwillingness to compromise when to remain unyielding denies to Thy people opportunity to follow after these things which would unite us in common purpose and Christian brotherhood.

We ask that Thou, O God, wouldst keep ever before us the high calling that is ours, that we who are called to govern will strive to govern in the light of Thy spirit and Thy truth.

We give Thee thanks for those who are willing to give of their time and their energies to maintain a government of law, order, and justice. Guide the efforts of these Thy servants of Thy people. May they never lose sight of those whom they serve, but may they ever realize that they are called to lead Thy people down paths yet unknown.

Guide their meditations throughout this day and the days to come, through Jesus Christ our Lord. Amen.

Pledge of Allegiance to the Flag

Mr. Cushman of Orford led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced the following groups as Guests of the House today:

A group from the Francestown school, courtesy of Mr. Vadney of Francestown.

The 7th and 8th grades from Orford school in charge of their teacher, Miss Lavoie, courtesy of Mr. Cushman of Orford.

A group of Safety Patrol students of Meredith schools in charge of Calvin Rolfe, courtesy of the Meredith Delegation.

Leaves of Absence

Mr. Merrill of Exeter was granted leave of absence for the remainder of the week on account of illness.

Miss Collyer of Lisbon was granted an indefinite leave of absence on account of illness.

Mr. Bigelow of Warner was granted leave of absence for the day to attend a funeral.

Reports of Standing Committees

Mrs. Lord of Gilford, for the Committee on Appropriations, to whom was referred House Bill No. 11 (in new draft), An Act relative to engineering studies for future supplies of water for domestic uses, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 22, An Act establishing the State Historical Commission, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Belcourt of Nashua, for the Committee on Appropriations to whom was referred House Joint Resolution No. 5,

Joint Resolution providing for the repair and reconditioning of the Meshech Weare Monument at Hampton Falls, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans' Association, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Bell of Plymouth, for the Committee on Appropriations to whom was referred House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlbert, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macey, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out the words and figures "June 10, 1959 for and during his life" in the third line and inserting in place thereof the following, May 25, 1959, to May 25, 1961, so that said joint resolution as amended shall read as follows:

That the governor and council are hereby authorized and empowered to award and pay compensation to the said Charles F. Macey in the sum of thirty dollars weekly from May 25, 1959, to May 25, 1961. The governor is hereby authorized to draw his warrant for the payment of such sum or sums as may be awarded hereunder out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

(discussion ensued)

At the request of Mr. Pillsbury of Manchester, Mr. Bell of Plymouth explained the bill.

(discussion ensued)

Mr. Comi of Concord spoke in favor of the amendment.

Mr. King of Manchester explained the amendment.

On a *viva voce* vote the amendment was adopted and the House Joint Resolution was ordered to a third reading.

Reconsideration

Mr. Pickett of Keene served notice that today or some subsequent day he would ask that the House reconsider its vote whereby it killed House Bill No. 31, An Act relative to compensation for members of state aeronautics commission.

Miss Loizeaux of Plymouth, for the Committee on Appropriations to whom was referred Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mrs. Phillips of Claremont, for the Committee on Municipal and County Government to whom was referred House Bill No. 459, An Act legalizing the annual town meeting held in the town of Dalton March 10, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Wirkkala of Lempster, for the Committee on Public Works to whom was referred Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of highways, roads, and streets, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 *Trees and Other Roadside Growth.* Amend RSA 253 by inserting after section 6 the following new sections: 253:6-a *Removal of Certain Hazardous Trees.* Notwithstanding the provisions of other sections of chapter 253 or any other provision of law, the commissioner of public works and highways on Class I and III highways, and state maintained portions of Class II highways, and the mayors of cities and the selectmen of towns and the county commissioners for unorganized places on Class IV, V and VI highways and town maintained portions of Class II highways may declare any tree, either alive or dead, situated within the limits of highways, roads, or streets to be a public nuisance by reason of danger to traffic or spread of tree disease. After such declaration by such authority and notice to the abutting landowner on whose property such tree is located the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required for the annual removal of trees and bushes that cause damage to the highways or to the travelling public or are objectionable from the material or artistic standpoint as provided in section 10. The provisions of this section shall not apply to public shade or ornamental trees. Nothing in this act shall be construed to relieve the public utility companies of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 254 in any manner. The aforesaid state and municipal authorities may require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.

253:6-b *Notice.* Notice to the abutting landowner of a tree declared a public nuisance shall be given by delivery at his place of residence or by sending by registered mail to his last known address and it shall clearly state the intention of removal of such tree. He may appeal to the superior court as to the validity of such declaration within thirty days of delivery or mailing of said notice, and shall be entitled to a speedy hearing. The final judgment upon every appeal shall be

a decree dismissing the appeal, or vacating the declaration complained of in whole or in part, as the case may be; but in case such declaration is wholly or partly vacated the court may also, at its discretion, remand the matter to the said department, city, county, or town for such further proceedings, not inconsistent with the decree, as justice may require. Following expiration of the aforesaid thirty day period of appeal, or following waiver of said right of appeal, the abutting land owner is relieved of any liability or responsibility in connection with the tree or trees declared a public nuisance and similarly is relieved of any liability or responsibility in connection with any stump or stumps left remaining.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Kearns of Manchester, for the Committee on Ways and Means, to whom was referred House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls, having considered the same, reported the same with the recommendation that the bill ought ought to pass.

Mr. Chandler of Bartlett offered the following amendment and explained it:

Amend section 1 by striking out the word "per cent" in the sixth line and inserting in place thereof the word, cent.

Amend section 2 of said bill by striking out the word "per cent" in the seventh line and inserting in place thereof the word, cent.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. O'Shan of Laconia demanded the Yeas and Nays and subsequently withdrew his demand.

Mr. Pickett of Keene moved that the House reconsider its vote whereby it passed House Bill No. 343 and spoke against the motion.

(discussion ensued)

Mr. Chandler of Bartlett spoke against the motion.

(discussion ensued)

Messrs. O'Shan of Laconia and Varney of Rochester spoke in favor of the motion.

(discussion ensued)

Messrs. Kearns of Manchester and Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

The question now being on the motion to reconsider.

Mr. O'Shan of Laconia demanded the Yeas and Nays and the roll was called with the following result:

Nays, 230

BELKNAP COUNTY: McAllister, Watson of Belmont, Lord, Snow, Lacaille, Ayre of Laconia, Karagianis, Prescott of Laconia, MacIsaac, Pickering of Meredith, Urie, Howe.

CARROLL COUNTY: Chandler, Blanchard, Nickerson of Madison, Diffenderfer, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Hanson, Moore, Bates, Laflamme, Dowd, Davis of Concord, Henry, Gibson, Woodman, Lessels, Robinson of Concord, Mannion, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Carr, Leonard, Carpenter, Mulaire, Perry, London, Burleigh, McGrath, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Vadney, Hambleton, Nickerson of Goffstown, Poor, Taft, Crosby, Goodwin, Daneault, Gamache, Ainley, Green Lang, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Burke, Armstrong of Manchester, Compagna, Kearns, King, Lafond of Manchester, Lavasseur, Maston, Daniel, Crowley, Deans, Falconer, Hayward of Milford, Cooper, Underhill, Belcourt, Griffin of Nashua, Pappagianis, Boisvert of Nashua, Sabluski, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare.

CHESHIRE COUNTY: Washburn, Gowing, Turner, Stearns, Gordon of Jaffrey, Spofford, Haley, Keating, Terrill, McCullough, Bennett, Brown of Keene, Miskelly, Kretowicz, Pickett, Oliver, Forbes, Bouvier, Hackler, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Bradbury, Gaffney, Angus, Nahil,

Phillips, D'Amante, Davis of Cornish, Marx, Wirkkala, Rowell, Spalding, Merrifield, DeLude.

GRAFTON COUNTY: Eastman of Ashland, Stevenson, Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, McMeekin, Chamberlain of Holderness, Clement of Landaff, Beard, Edson, Coutermarsh, Porter, Whipple, McGee, Burrill, Kelley, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton.

COOS COUNTY: Fortier, Perrault, Brungot, Lacasse of Berlin, Marsh, Oakes, Emerson, Kimball of Jefferson, Bragg, Swett, Potter, Styles, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Clark, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Jones, Hunter, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Jenkins, Sheehy, Labranche, Twardus, Cheney, Carter, Pinkham, Palmer of Plaistow, Dondero, Keefe, Murch, Wood, Dame, Blaisdell, White of Portsmouth, Ward 4, Carkin, Langford, Philbrick of Rye, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Chase of Durham, Littlehale, Gilman of Farmington, Randall, Reid, Lacasse of Rochester, St. Pierre, Maloomian, Habel, Cormier, Vincent, Malley, Brown of Strafford.

Yeas, 128

BELKNAP COUNTY: Rollins, Harkins, Normandin, O'Shan, Varrell, Atwood.

CARROLL COUNTY: Downs, Hill, Roberts, Stokes, Nicker-son of Tamworth, Hodgdon.

MERRIMACK COUNTY: Guilbeault, Phelps, Flynn, Hancock, Peaslee of Concord, Maxham, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Lafond of Hooksett, Montgomery, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, Hunt, Stone.

HILLSBOROUGH COUNTY: Edwards, Farwell, Herrick, Branch, Pickering of Hancock, Gallagher, Legallee, Pettigrew, Sullivan, Tobin, Cullity, Nolan, Betley, Healy of Manchester, Ward 5; Manning, Casey, Clancy, Ecker, Healy of Manchester, Ward 6; O'Connor, LaFrance, Tessier, Champagne, Delisle, Pelissier, Cary, Morris, Belanger, Bergeron, Hurley, Noel, Martel of Manchester, Ward 12; Nalette, DeGrace, Dion of Manchester, Gauthier, Rousseau, Vachon, Peaslee of Merrimack, Cole, Saunders, Thibault of Nashua, Trombly, Brosnahan, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Bouthillier, Draper.

CHESHIRE COUNTY: None.

SULLIVAN COUNTY: Frizzell, Desnoyer, Bailey, Brown of Newport, Downing, Philbrick of Springfield,

GRAFTON COUNTY: Bucklin, Gilbert, Larty, Guay of Lebanon, Birch, Breck, Davis of Woodstock.

COOS COUNTY: Dussault, Desilets, Sheridan, Christianesen, Bouchard, Gagnon, Crockett, Graham of Gorham, Bushey, Stinson.

ROCKINGHAM COUNTY: Griffin of Auburn, Blair, Spollett of Hampstead, Wardwell, White of Portsmouth, Ward 5; Ingraham, Cross, Gordon of Sandown, Barker, Waterhouse.

STRAFFORD COUNTY: Desjardins, Grimes, Drew, Moulton, Rolfe, Hartigan, Maxfield, Watson of Rochester, Johnson of Rochester, Varney, Boisvert of Rollinsford.

Mrs. Weeks of Greenland voting Yes, paired with Mrs. Roulston of Salem voting No.

And the motion to reconsider did not prevail.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit House Bill No. 343 to be placed on third reading at the present time.

Third Reading

House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Kearns of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 343.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Kimball of Manchester House Bill No. 126, An Act relative to the conduct of business on legal holidays, was made a Special Order of business at 11:01 o'clock Thursday morning.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 179, An Act relating to compensation of jurors.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 This act shall take effect January 1, 1960.

On motion of Mr. Crosby of Hillsborough the House concurred with the Senate amendment.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 297, An Act relative to board of funeral directors and interstate agreements.

House Bill No. 154, An Act relative to the use of fluorine in the public water supply in the city of Concord.

Resolutions

Mrs. Roulston of Salem and Mr. Aucella of Bennington offered the following resolutions:

Whereas, James F. Allen, Representative from Rindge, is ill at home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby express our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to Representative Allen.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Pickett of Keene offered the following resolutions:

Whereas, Rita Collyer, Representative from Lisbon, met with an accident during the session of the General Court on Tuesday, May 19, 1959 and as a result is confined in Concord Hospital, and

Whereas, she has shown great courage and fortitude in attending daily sessions despite a long period of ill health, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby express our deep sympathy to our Fellow Member in her misfortune and illness and extend our very best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Collyer a copy of these Resolutions.

Mr. Pickett of Keene spoke in favor of the resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Spofford of Jaffrey offered the following resolutions:

Whereas, we have learned of the passing of Harry E. Sherwin, and

Whereas, Mr. Sherwin was a former fellow Representative from the town of Rindge, therefore be it

Resolved, That we, the members of this House of Representatives in General Court convened, do hereby extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of Mr. Sherwin.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today is the 75th birthday of Mr. Littlehale of Durham and that yesterday was the 39th birthday of Mr. Taft of Greenville.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and third reading of reso-

lutions by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills and House Joint Resolutions were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 11, An Act relative to engineering studies for future supplies of water for domestic uses.

House Bill No. 22, An Act establishing the State Historical Commission.

House Bill No. 459, An Act legalizing the annual town meeting held in the town of Dalton, March 10, 1959.

House Joint Resolution No. 5, Joint Resolution providing for the repair and reconditioning of the Meshech Weare Monument at Hampton Falls.

House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans' Association.

House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlbert.

House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macey.

Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of highways, roads and streets, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Kimball of Jefferson the House adjourned at 1:13 o'clock.

THURSDAY, MAY 21, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Rabbi Michael M. Szenes, from the Temple Beth Israel church of Concord.

O Lord our God, we invoke Thy blessing upon the General Court of the State of New Hampshire assembled here for the noble task to represent the people of our State in their desire to regulate their lives by just Laws, in harmony with one another and with Thy Divine Law of Righteousness.

Do Thou cause Thy spirit of counsel and understanding to be a deeply felt presence in our midst. Inspire us with wisdom and vision to know the right and with courage to be unyielding in the performance of it. Be with us in our deliberations and guide our actions toward righteousness and truth, so that the institutions of free government may be more firmly established because of us, and of our trust in Thee.

Pledge of Allegiance to the Flag

Mr. Eastman of Weare led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following groups as Guests of the House today:

The Junior and Senior classes from Marlboro High School, accompanied by teachers, Elizabeth Thomas and Oscar Fraser, courtesy of Mr. Oliver of Marlboro.

A group from Hampstead and Atkinson schools in charge of Albert Wilson, courtesy of Miss Spollett of Hampstead.

A group of Weare Grade School students accompanied by Carroll Tilden, courtesy of Mr. Eastman of Weare.

A group of Moultonborough Grade School students in charge of Mr. Person, courtesy of Speaker Lamprey.

Leaves of Absence

Mr. Spofford of Jaffrey was granted leave of absence for the day to attend a funeral.

Miss Bailey of Newport was granted leave of absence for the day on account of important business.

Introduction of Bills

The following bills and House Joint Resolution were severally read a first and second time, laid upon the table for printing and referred as follows:

By Committee on Rules (Mr. Ecker of Manchester) House Bill No. 472, An Act increasing the age limit for issuance of motor vehicle licenses. To the Committee on Judiciary.

By Committee on Rules (Mr. Hambleton of Goffstown) House Bill No. 473, An Act relative to group life insurance. To the Committee on Insurance.

By Committee on Rules (Messrs. Willey of Campton, Plumer of Bristol and Sheridan of Berlin) House Bill No. 474, An Act relative to free parking privileges for members of the general court. To the Committee on Executive Departments and Administration.

By Committee on Rules (Mr. Woodman of Concord) House Joint Resolution No. 49, Joint Resolution providing supplemental appropriations for normal contributions to the teachers' retirement system and for old age and survivors' insurance contributions on behalf of state employees and teachers. To the Committee on Appropriations.

Mr. Plumer of Bristol moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 474, An Act relative to free parking privileges for members of the general court, and that the bill be acted on at the present time and spoke in favor of the motion.

(discussion ensued)

Messrs. Sheridan of Berlin and Willey of Campton spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill was ordered to a third reading.

Mr. Plumer of Bristol moved that the rules of the House be further suspended as to place House Bill No. 474 on third reading and final passage at the present time.

At the request of Mr. Pillsbury of Manchester the Chair declared a one minute recess.

After Recess

Mr. Pillsbury of Manchester spoke against the motion.

Messrs. Sheridan of Berlin, Willey of Campton and Mrs. Brown of Sandwich spoke in favor of the motion.

Mr. Gove of Concord spoke against the motion.

Mr. Pillsbury of Manchester moved that further consider-

ation of House Bill No. 474 be made a Special Order for 11:01 o'clock on Tuesday next and spoke in favor of the motion.

Mr. Sheridan of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The question now being on the motion to place House Bill No. 474 on third reading at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 474, An Act relative to free parking privileges for members of the general court, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Willey of Campton moved that the House reconsider its vote whereby it passed House Bill No. 474.

On a *viva voce* vote the motion did not prevail.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 298, An Act relative to the payment of claims arising out of activities of the national guard, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the last sentence and inserting in place thereof the following: Any claims paid hereunder shall be a charge upon the appropriation therefor in the department of the adjutant general, so that said section as amended shall read as follows:

1 *Claims Arising From Accidents.* Amend RSA 110-A (supp) as inserted by 1957, 147:1, by inserting after section 80 the following new section: 110-A:81 *Payment of Claims.* The governor and council, upon the recommendation of the adjutant general, may pay claims against the state arising out of accidents occasioned by the activities of the national guard. No claim in excess of two hundred and fifty dollars shall be paid to any one person; nor shall any claim be paid hereunder which is payable in whole or in part by the United States. Persons making claim hereunder shall file their applications with the adjutant general who shall investigate the circumstances and shall make his recommendation thereon

to the governor and council. Any claims paid hereunder shall be a charge upon the appropriation therefor in the department of the adjutant general.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 117, An Act relative to suits against residents of the state for payment of income tax to another state, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. King of Manchester, Mr. Crosby of Hillsborough explained the bill.

(discussion ensued)

Messrs. Coutermarsh of Lebanon and Geisel of Manchester spoke against the resolution.

Mr. Green of Manchester spoke in favor of the resolution.

(discussion ensued)

Mr. Gilman of Farmington spoke against the resolution.

(discussion ensued)

Mr. Crosby of Hillsborough spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Littlehale of Durham, for the Committee on Municipal and County Government, to whom was referred House Bill No. 460, An Act to legalize the proceedings of the annual town meeting of Newbury and to permit said town to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Collishaw of Exeter, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 87, An Act providing that senators be members of the county convention, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. McMeekin of Haverhill requested an explanation of the resolution of the committee.

Mr. Deans of Milford explained the resolution and bill.

Mr. McMeekin of Haverhill spoke in favor of the bill and against the resolution of the committee and moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate".

Mr. Plumer of Bristol spoke against the motion.

Messrs. Chandler of Bartlett and Kearns of Manchester spoke against the motion.

Mr. McMeekin of Haverhill spoke a second time in favor of the motion.

On a *viva voce* vote the motion to substitute did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 140, An Act relative to the practice of physical therapy, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. McGrath of Pittsfield, for the Committee on Public Works to whom was referred Senate Bill No. 42, An Act relating to utility poles, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of the bill by striking out the words, "provided, however, that there shall be no liability under either of the foregoing sub-sections for any injury suffered by any person where violation of the statutes relating to the operation of motor vehicles upon the public highways in fact contributes to cause such injury," at the end of said section. so that said section as amended shall read as follows:

5 *Liability for Injuries.* Amend RSA 254:18 by striking out the same and inserting in place thereof the following: 254:18 *To Party Injured.* Any party receiving injury in his person or estate from any pole, or structure, or underground conduit or cable, or any attachment or appurtenance thereto within the highway limits may maintain an action for damages against the proprietor of the object causing such injury under either of the following circumstances:

(a) where a license has been issued, for any injury caused by the negligent construction, operation or maintenance of the object causing the injury; but neither the location nor sufficiency of warning of the presence of the pole, structure, underground conduit or cable, or attachments or appurtenances thereto, shall in any way give rise to liability provided the object causing injury is located and constructed in accordance with the provisions of the license;

(b) where a license has not been issued, for any injury caused by the location of the object causing the injury so as to interfere with the safe, free and convenient use of the highway, or by the negligent construction, operation or maintenance of the object causing injury.

Mr. King of Manchester moved that Senate Bill No. 42 as amended be referred to the Committee on Judiciary for further study and spoke in favor of the motion.

Mr. Maloomian of Somersworth moved that Senate Bill No. 42 be indefinitely postponed.

The Chair ruled that Mr. Maloomian's motion was out of order.

Mr. Maloomian of Somersworth withdrew his motion and spoke against the motion to refer Senate Bill No. 42 to the Judiciary Committee and against the bill.

Mr. Galloway of Walpole spoke against the motion.

Mr. Newell of Concord spoke against the motion and explained the bill.

(discussion ensued)

Mr. Goode of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and Senate Bill No. 42 was referred to the Committee on Judiciary for further study.

The Chair declared a 30 minute recess.

After Recess

Mrs. Atwood of Sanbornton, for the Special Committee consisting of the members from the County of Belknap to whom was referred House Bill No. 319, An Act to provide for the operation and maintenance of the Belknap county recreational area, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by inserting after the word "commission" in the third line the words, not to exceed, however, the sum of five hundred dollars to any one member during any one fiscal year, so that said section as amended shall read as follows:

5. *Compensation.* The members of said commission shall be paid ten dollars for each day or portion of a day during which they shall be actually engaged in the services of the commission, not to exceed, however, the sum of five hundred dollars to any one member during any one fiscal year. The members of the commission shall also be reimbursed for actual necessary travelling, and other expenses and disbursements incurred and made by them in the discharge of their official duties. Mileage, however, shall be paid only for trips outside of the county of Belknap, and shall, in such case, be computed from the area and paid for at the same rate for which reimbursement is made to employees of the state.

Amend paragraph (c) of section 14 of said bill by striking out the word "fifty" in the seventh line and inserting in place thereof the word, forty, so that said paragraph as amended shall read as follows:

(c) The commission is hereby authorized and empowered to use the revenues from the area to carry out any and all of the purposes herein stated, and is hereby especially authorized and empowered to retain any profits from the operation of the area and invest the same for the purpose of future maintenance, operation, improvements of the area, and for working capital, except that any sums accumulated and on hand at the end of any fiscal year in excess of forty thousand dollars, not required for the payment of outstanding bills of amortization of outstanding indebtedness, shall be turned over to the county of Belknap if required by vote of the county convention.

Amend paragraph (e) of section 14 of said bill by inserting after the words "an annual report" in the third line the words, to the county convention, so that said paragraph as amended shall read as follows:

(e) All financial transactions of the commission shall be audited annually and at such other times and in such manner as the county convention may determine. The commission shall make an annual report to the county convention of its financial and other transactions for the preceding fiscal year on or before the fifteenth day of the second month following the close of the preceding fiscal year. This report, and the report of such audits as shall be made as herein provided, shall be filed with the clerk of the superior court for Belknap county, after completion, and shall be open for public inspection.

Further amend said section 14 by inserting at the end thereof the following new paragraph:

(f) If the commission at any time requests the county convention for an appropriation, or for authority to borrow money as provided in section 15, such request shall be accompanied by a complete budget of expected receipts and expenditures for the current fiscal year.

Amend section 15 of said bill by striking out said section and inserting in place thereof the following:

15 *Bonds or Notes Authorized.* The county treasurer is hereby authorized upon a vote of the commission, previously authorized by the county convention, with at least four members of the commission voting in favor, to borrow money for the purpose of carrying into effect the provisions of this chapter, issuing serial notes or bonds therefor, said bonds to be payable out of revenue received from the operation of the area. The maturity dates of such bonds or notes shall be determined by the commission, based upon the probable useful life of any capital improvements to be financed by such notes or bonds, the period to be determined by the commission, but in no event to exceed twenty years from the date of issue. All such bonds or notes shall contain an express guaranty that fees, fares and tolls will be collected in accordance with the provisions hereof, until the date of maturity of said bonds or notes or renewals thereof, and until sufficient money shall have accumulated to pay the principal of said notes or bonds

and the interest thereon at the date of maturity. Such notes or bonds shall be in such form and such denominations as the commission shall determine, shall be signed by a majority of the commission and countersigned by the county treasurer. Provided, however, that the county convention shall, by two-thirds vote of those members present and voting, approve the issue of serial notes and bonds prior to the issue thereof, and such serial notes or bonds shall be considered to be a pledge of the full faith and credit of the county of Belknap. All bonds and notes, and the interest thereon issued by the commission hereunder shall be exempt from taxation.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Tobin of Manchester and Mr. Malley of Somersworth, for the Joint Committees on Judiciary and Ways and Means to whom was referred House Bill No. 236 (in new draft and with new title), An Act repealing the tax on draft animals, neat stock, sheep, goats, hogs and poultry, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Joint Committees on Judiciary and Ways and Means to whom was referred House Bill No. 236 (in new draft and with new title), An Act repealing the tax on draft animals, neat stock, sheep, goats, hogs and poultry, having considered the same, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the word "repealing" and inserting in place thereof the words, relative to, so that said title as amended shall read as follows:

An Act relative to the tax on draft animals, neat stock, sheep, goats, hogs and poultry.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Taxation of Certain Personal Estate.* Amend RSA 72 by inserting after section 15 the following new section: 72:15-a *Tax Commission.* The tax commission in setting the valuations to be used for property liable to be taxed under paragraphs IV, V, VI and VII of section 15 shall fix said

valuations at twenty-five per cent less than the valuations set for the taxable year 1959.

JAMES B. MISKELLY,
FERNE PRESCOTT,
HAROLD HASKINS

The reports were accepted.

The Clerk read the amendment in full.

Mr. Miskelly of Keene moved that the words "Ought to Pass with Amendment" be substituted for the words "Ought to Pass" and spoke in favor of the motion.

(discussion ensued)

Mr. Crosby of Hillsborough spoke in opposition to the motion.

(Mr. Marx of Langdon in the Chair)

Mr. Chandler of Bartlett spoke in favor of the motion.

Mr. Cilley of Concord moved that House Bill No. 236 be indefinitely postponed and spoke in favor of the motion.

Messrs. Gilman of Farmington and Malley of Somersworth spoke against the motion.

Messrs. Fortier of Berlin, Clement of Rochester, Pickett of Keene and Clement of Landaff spoke in favor of the motion.

(Speaker in the Chair)

Messrs. Healey of Manchester Ward 6, Nickerson of Goffstown and Mrs. Dondero of Portsmouth spoke in favor of the motion.

Mrs. Frizzell of Charlestown spoke against the motion.

Mr. MacIsaac of Laconia moved the previous question and it was sufficiently seconded.

The motion prevailed.

The question now being on the motion of Mr. Cilley of Concord that House Bill No. 236 be indefinitely postponed.

On a *viva voce* vote the motion prevailed.

Senate Messages

The Senate announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes.

Senate Bill No. 83, An Act relating to the improvement of Rye Harbor.

Senate Bill No. 143, An Act legalizing the school district meeting held in Lyndeborough on March 12, 1959.

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes, to the Committee on Resources, Recreation and Development.

Senate Bill No. 83, An Act relating to the improvement of Rye Harbor, to the Committee on Public Works.

Senate Bill No. 143, An Act legalizing the school district meeting held in Lyndeborough on March 12, 1959, to the Committee on Municipal and County Government.

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings, to the Committee on Judiciary.

The Senate message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket River watershed.

House Bill No. 66, An Act relative to water pollution classification.

House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond Brook.

House Bill No. 143, An Act providing for the classification of certain surface waters of the Connecticut River watershed.

House Bill No. 191, An Act relating to the classification of Ammonoosuc River and its tributaries.

House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture.

House Bill No. 429, An Act relative to property holding by the First Congregational Society in Ossipee.

House Bill No. 471, An Act changing the effective date of the provisions for the Boys' and Girls' Benefit Fund.

House Bill No. 385, An Act regulating the Goffstown police department.

Opinion from the Supreme Court

To the House of Representatives:

The undersigned Justices of the Supreme Court make the following answers to the inquiries contained in your resolution with reference to House Bill No. 272, entitled "An Act relating to bank holding companies."

This bill would amend the Revised Statutes Annotated by inserting a new chapter 294-A. It includes in its definition of a "Bank," state and national banks authorized to do business and located in this state. S. 1 I. It defines a "Company" as "any bank, corporation, partnership, business trust, voting trust, unincorporated association, joint stock association or similar organization organized under the laws of this state or doing business in this state." S. 1 II. A "Bank holding company" is "any company which directly or indirectly (1) owns, controls, or holds with power to vote fifteen percentum or more of the voting stock of each of two or more banks; or (2) controls the election of a majority of the directors of any two banks." S. 1 III.

Section 2 thereof provides that "No company shall become a bank holding company" but this prohibition shall not apply in certain specified cases. S. 3 "Any company which on the effective date of this act is a bank holding company shall not be required to divest itself of the voting stock of a bank held on said date and such company may acquire additional stock in any bank in which on said date it owns more than fifty per centum of the voting stock." S. 4

Section 5 provides that "No bank holding company shall directly or indirectly (1) acquire ownership or control of any voting stock in any other bank if after such acquisition it would directly or indirectly own or control more than five per centum of the voting stock thereof except as permitted under section 4; (2) acquire all or substantially all of the assets of any bank; or (3) merge or consolidate with any other bank holding company."

Your first inquiry is whether the provisions of House Bill No. 272 violate the Constitution of the State of New Hampshire, the Constitution of the United States or any federal statutes relative to bank holding companies.

The business of banking bears such a relation to the economic security of the public that it is a proper subject of regulation by the State in the exercise of its police power. *Opinion of the Justices*, 278 Mass. 607; *Kirwood v. Provident Sav. Bank*, 205 Md. 48; 1 Michie, Banks and Banking, p. 1; 1 Zollman, Banks and Banking, p. 7. Many phases of banking are already regulated in this state. RSA chs. 383-397. The proposed bill seeks to regulate multiple banking conducted by means of bank holding companies. The wisdom or desirability of such regulation is the concern of the Legislature. *Petition of White Mountain Power Co.*, 96 N. H. 144, 151; *Opinion of the Justices*, 101 N. H. 549, 553.

The argument is made that House Bill No. 272 would impair or destroy private rights guaranteed by Article 2, Part I, and Article 5, Part II of our Constitution and by the Fourteenth Amendment to the Federal Constitution. When the Legislature seeks to act in the exercise of its police power, as it does here, the constitutionality of the proposed legislation depends upon whether the curtailment of the rights of those to be affected thereby can be justified as a reasonable measure in furtherance of the public interest or the general welfare. *Woolf v. Fuller*, 87 N. H. 64, 68, 69; *Allen v. Manchester*, 99 N. H. 388, 390.

Although all of the other New England states have laws authorizing branch banking in some form (see New England Business Review, Federal Reserve Bank of Boston, April 1959) New Hampshire has never enacted such a law. If the Legislature is of the opinion that unit banking better serves the public interest of the citizens of New Hampshire and that any further expansion of multiple banking should be curtailed we are of the opinion that it can properly do so in the exercise of the police power even though the rights of those regulated would be restricted thereby, *Bracburn Securities Corporation v. Smith*, 15 Ill. 2d 55 (appeal to U. S. Sup. Ct. dismissed 4/20/59).

The fact that the proposed bill permits existing bank holding companies to continue in their present situation but curtails their expansion and prohibits the formation of any new

company does not render it invalid. *Stone v. Cray*, 89 N. H. 483, 485; *Opinion of the Justices*, 99 N. H. 505, 507; *Sperry & Hutchinson Co. v. Rhodes*, 220 U. S. 502; *Braeburn Securities Corporation v. Smith*, *supra*. We cannot say that the fact that the proposed bill does not seek to regulate the participation of individuals in multiple banking constitutes such a capricious or arbitrary classification as to render it unconstitutional. *Allen v. Manchester*, 99 N. H. 388, 390, 391; *Rockingham Hotel Co. v. North Hampton*, 101 N. H. 441, 444; *Thillens, Inc. v. Morey*, 11 Ill. 2d 579.

House Bill No. 272 would apply to national banks doing business in this state. These banks are instrumentalities of the Federal Government created for a public purpose and as such are necessarily subject to the paramount authority of the United States. *McCulloch v. Maryland*, 17 U. S. 316; *Davis v. Elmira Sav. Bank*, 161 U. S. 275, 283; *Henrys v. Raboin*, 395 Ill. 118; *Zarbell v. Bank of America Nat. Trust & Sav. Ass'n* (Wash.) 327 P. 2d 436. However the proposed bill would not be invalid unless it were found to interfere with the purposes of national banks or to destroy their efficiency or to be in direct conflict with some paramount federal law. *Nugent v. Mooney*, 155 N.Y.S. 2d 611; *Milliard v. National Bank of Detroit*, 338 Mich. 610; *Franklin Nat. Bank of Franklin Square v. People*, 347 U. S. 373.

On May 9, 1956, Congress enacted the "Bank Holding Company Act of 1956" 70 Stat. 133; 12 U.S.C.A., s. 1841. Section 7 thereof (70 Stat. 138; 12 U.S.C.A., s. 1846) is entitled "Reservations of Rights to States" and reads as follows: "The enactment by the Congress of this chapter shall not be construed as preventing any State from exercising such powers and jurisdiction which it now has or may hereafter have with respect to banks, bank holding companies and subsidiaries thereof."

As a result of this act and its provisions the question of whether our Legislature has "the power or jurisdiction to legislate on this subject with reference to national banks chartered under the federal law . . . is a question of much importance and perhaps of considerable difficulty." *State v. National Banks*, 75 N. H. 27, 33. However the Supreme Court of Illinois in the case of *Braeburn Securities Corporation v. Smith*, *supra*, decided on September 18, 1958, held that "it seems clear that such State Legislation [pertaining to bank

holding companies] could be applicable to national as well as State banks, since Congress did not manifest an intent to preempt the legislative field." An appeal from this decision to the United States Supreme Court (No. 718) was dismissed on April 20, 1959 for want of a substantial federal question.

Furthermore at least seven states (Illinois, New York, Indiana, Kansas, Pennsylvania and Massachusetts) have enacted legislation in this field since Congress passed the Bank Holding Company Act of 1956. It is our opinion based on the wording of the act, its legislative history and the factors enumerated above that House Bill No. 272 would not conflict with any federal statute.

The answer to your first inquiry is "No," that is, it is our opinion that House Bill No. 272 does not violate the Constitution of the State of New Hampshire, the Constitution of the United States or any federal statutes relative to bank holding companies.

Your second inquiry is as follows: "Would a regulatory bill providing for the approval or disapproval by a bank holding company commission of the acquisition of the stock of a bank by a bank holding company conflict with or violate the Constitution of the state or the Constitution of the United States, or any federal statute." If the regulatory bill laid down "basic standards and a reasonably definite policy for the administration of the law" it is our opinion that it would be constitutional (*Velishka v. Nashua*, 99 N. H. 161, 167) and our answer, thus limited, to this inquiry is "no."

Your last and third inquiry is the following: "Would a bill limiting the total deposits or resources, expressed in terms of percentage of total bank deposits or resources in the state, which a bank holding company could acquire through acquisition of stock of other banks conflict with or violate the Constitution of this state or the Constitution of the United States or any federal statute?" In the absence of specific formulae upon which we can exercise our judgment we cannot add to the general considerations of the subject already expressed and we ask to be excused from making further answer to this inquiry.

FRANK R. KENISON
JAMES N. DUNCAN
AMOS N. BLANDIN, JR.
EDWARD J. LAMPRON
STEPHEN M. WHEELER

May 21, 1959.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills, reported that they have examined and found correctly engrossed the following entitled House and Senate bills and Senate joint resolution:

House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket River watershed.

House Bill No. 66, An Act relative to water pollution classification.

House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond Brook.

House Bill No. 143, An Act providing for the classification of certain surface waters of the Connecticut River watershed.

House Bill No. 297, An Act relative to board of funeral directors and interstate agreements.

House Bill No. 429, An Act relative to property holding by the First Congregational Society in Ossipee.

Senate Bill No. 129, An Act changing name of Rochester Trust Company.

Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

(discussion ensued)

Messrs. Kimball and King of Manchester spoke against the motion.

Messrs. Bisbee of Derry and Hart of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Minors Operating Motor Vehicles.* Amend RSA 262 by inserting after section 40 the following new section: 262:40 ——— *Transporting Alcoholic Beverages.* Any person under the age of twenty-one years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for a period of not more than thirty days by the commissioner of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

(discussion ensued)

Mr. Pickett of Keene requested that a division vote be taken on the suspension of the rules.

The Chair ruled that the request was out of order.

Mr. Pickett of Keene, having voted with the majority, moved that reconsideration be given the vote whereby the House voted to suspend the rules.

The Chair ruled that the motion was out of order.

The question now being on the amendment as offered by the committee.

Mr. Pickett of Keene moved that the House adjourn and subsequently withdrew his motion.

Mr. Pillsbury of Manchester moved that House Bill No. 273 be made a Special Order for Tuesday next at 11:03 o'clock.

On a *viva voce* vote the motion was not adopted.

Mr. Pillsbury of Manchester requested a division.

A division being taken, 133 members having voted in the affirmative and 144 members having voted in the negative the motion did not prevail.

The question is on the amendment as offered by the committee.

On a *viva voce* vote the amendment was adopted.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Mr. Rowell of Newport yielded the floor to Mr. Bradbury of Claremont who explained the resolution and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the general court and for other distribution of said manual, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House joint resolution was ordered to a third reading.

Mr. Vachon of Manchester moved that House Bill No. 126, An Act relative to the conduct of business on legal holidays, be made a Special Order for Wednesday next at 11:01 o'clock.

On a *viva voce* vote the motion was adopted.

Resolutions

Messrs. O'Shan and Varrell of Laconia for the city of Laconia and the Belknap county delegation offered the following resolutions.

Whereas, Henry I. Burbank, Representative from Laconia, has passed away, and

Whereas, Representative Burbank was serving his fourth term in the House of Representatives and was currently a member of the Executive Committee of Belknap County Convention, and had formerly been a member of his city council for five terms, therefore be it

Resolved, That we, the members of the House of Representatives, hereby pay tribute to his services to his city, county and state, and express our deep sympathy to his family in its bereavement and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to the widow, Mrs. Burbank.

On a rising vote the resolutions were unanimously adopted.

The Chair appointed the city of Laconia Delegation to represent the House at the funeral of Mr. Burbank.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to allow the introduction of a House Joint Resolution not previously introduced through the rules committee and spoke in favor of the motion.

The Clerk read the House Joint Resolution in full.

On a *viva voce* vote the resolution was adopted.

House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer was read a first and second time, laid upon the table for printing and referred to the Committee on Appropriations.

Mr. Pickett of Keene moved that the rules of the House be further suspended as to dispense with the printing of House Joint Resolution No. 50 and reference to committee.

On a *viva voce* vote the motion prevailed.

Mr. King of Manchester moved that the House Joint Resolution No. 50 be laid upon the table.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and Joint Resolutions by caption only and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 298, An Act relative to the payment of claims arising out of activities of the national guard.

House Bill No. 460, An Act legalizing the proceedings of the annual town meeting of Newbury and to permit said town to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

House Bill No. 319, An Act to provide for the operation and maintenance of the Belknap county recreational area.

House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles.

House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the General Court and for other distribution of said manual.

Mr. Clement of Rochester moved that the House reconsider its vote whereby it passed House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Taylor of Whitefield the House adjourned at 4:10 o'clock.

TUESDAY, MAY 26, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Earle Fellows, of the North Weare Federated Church after one minute of silent tribute to Secretary of State John Foster Dulles.

Almighty and Everlasting God.

This Legislature, of The State of New Hampshire, gathers again today for another week's work in the preparation and enactment of necessary laws for the guidance of the people of this State.

I ask Thy divine blessing upon them.

Bless them that they may have humane wisdom mixed with the divine spirit that can only come from your person through Jesus Christ their Lord and Saviour.

Help them to think of the needs of their people and prepare the necessary laws that shall benefit both the state as a whole and the individuals in their personal lives.

Especially do we turn to Thee today for strength to bear the great loss that we have suffered in the passing of a great statesman and world leader. We thank You for his life of

service and pray that his high ideals may continue on in the hearts and minds and souls of those who carry on his work.

We thank you for the heritage of this our native State and pray that as a governing body and as citizens we may ever carry out the ideals that are laid for us in Thy Holy Laws. Let us all be guided and strengthened by them that this state may grow in strength, and ever be a solid integral part of the United States.

Finally I ask Thy blessing upon the Governor of this State, may he be given wisdom and strength to perform all the duties, and meet all the problems that shall come before him.

All this I ask in Thy Holy Name. Amen.

Pledge of Allegiance to the Flag

Senator Martin of District No. 3 led the Convention in the Pledge of Allegiance to the Flag.

The Keene Teachers' College Choir entertained the Joint Convention under the direction of their leader, Mr. Kiley.

On motion of Senator Eaton of District No. 11 the Convention rose.

House

Introduction of Guests

The Chair introduced the following as guests of the House today:

Mrs. Tolman, former representative from Nelson.

A group of students from the New London High School in charge of Mr. Marston, courtesy of Mr. London of New London.

A group of 7th grade students from the Webster Street School of Manchester in charge of Mrs. McDonough, courtesy of the Manchester Delegation.

A group of 8th grade students from the North Walpole School in charge of Mr. Lamothe, courtesy of Walpole Delegation.

Republican ladies of Grafton and Coos Counties for Legislative Day.

Leaves of Absence

Mr. Green of Manchester was granted leave of absence for two weeks on account of important business.

Mr. Peaslee of Merrimack was granted an indefinite leave of absence on account of having an accident.

Mr. Eastman of Ashland was granted leave of absence for the day on account of a death in the family.

Communication

The following letter was inadvertently omitted from the Journal for Thursday May 21. It was read by the Clerk and referred to the Judiciary Committee:

Hancock, N. H.

May 15, 1959

To the Speaker and the Members of the
House of Representatives of the
State of New Hampshire:

GENTLEMEN:

As a citizen and elector of the State of New Hampshire, I respectfully call your attention to the fact that the House of Representatives of the Legislature of the State of New Hampshire, which you purport to be, is, at the present time, illegally constituted and illegally functioning. Every member of the present House of Representatives has been elected in violation of the express provisions of the Constitution of the State of New Hampshire, Part First, Articles 1, 4, 7, 10, 11, 12, 28, 38; Part Second, Articles 1, 9, 11, 30.

I respectfully petition you to adjourn your present proceedings so that a special election may be held to elect members of the House of Representatives as required by the Constitution of the State of New Hampshire.

Very respectfully,

s/ Albert Levitt
ALBERT LEVITT
HANCOCK, N. H.

Reports of Standing Committees

Mr. Clement of Landaff, for the Committee on Agriculture to whom was referred House Bill No. 10, An Act providing for the abolition of the milk control board, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game to whom was referred House Bill No. 421, An Act relative to the use of seines and weirs in taking salt water smelt, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Latour of Manchester, for the Committee on Insurance to whom was referred Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the words "sixty days after" and inserting in place thereof the word, upon, so that said section as amended shall read as follows:

2 *Takes Effect*. This act shall take effect upon its passage.

The clerk read the amendment in full.

On a *viva voce* the amendment was adopted and the bill was ordered to a third reading.

Mr. MacIsaac of Laconia, for the Committee on Insurance to whom was referred House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of the bill by striking out the words and figures "as of March 31, 1959" and inserting in place thereof the words, sixty days after its passage, so that said section as amended shall read as follows:

3 *Takes Effect*. This act shall take effect sixty days after its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Maloomian of Somersworth, for the Committee on Mileage, to whom was referred House Bill No. 449, An Act relative to allowances for mileage for members of the general

court from Concord, having considered the same, reported the same with the recommendation that the bill ought to pass.

And the bill was referred to the Appropriations committee under the rules.

Mr. Maxham of Concord moved that the rules of the House be so far suspended as to dispense with the reference of House Bill No. 449 to the Committee on Appropriations and that the bill be ordered to a third reading at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Clement of Landaff, for the Committee on Agriculture, to whom was referred House Bill No. 263, An Act relative to milk control, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Agriculture, to whom was referred House Bill No. 263, An Act relative to milk control, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

SUMNER W. WATSON,
GROVER C. FARWELL,
KARL J. PERSSON,
D. EVERETT PALMER.

The reports were accepted.

Mr. Gilman of Farmington moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Clement of Landaff moved that House Bill No. 263 be indefinitely postponed and spoke in favor of the motion.

Mr. Batchelder of Deerfield spoke against the motion.

(discussion ensued)

The Chair declared a recess of one hour.

After Recess

Messrs. Presby of Loudon, Littlehale of Durham, Cilley of Concord, Oliver of Marlborough, Brown of Strafford, Bragdon of Amherst, Pickett of Keene, Comi of Concord and Miss Spol-

lett of Hampstead and Mrs. Frizzell of Charlestown spoke in favor of the motion.

Messrs. Jenkins of New Castle, Griffin of Nashua, Watson of Rochester, Miskelley of Keene, Monahan of Hanover and Gilman of Farmington spoke against the motion.

(discussion ensued)

Messrs. Branch of Goffstown and Crosby of Hillsborough spoke in favor of the motion.

Mr. MacIsaac of Laconia moved the previous question and it was sufficiently seconded.

The question now being, shall the main question now be put?

On a *viva voce* vote the motion prevailed.

The question now being, shall House Bill No. 263 be indefinitely postponed?

Mr. Griffin of Nashua demanded the Yeas and Nays and the roll was called with the following result:

Yeas, 224

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Herrick, Branch, Nickerson of Goffstown, Pickering of Hancock, Crosby, Goodwin, Daneault, Gallagher, Gamache, Legallee, Lang, Pillsbury, Healy of Manchester, Ward 6, Kearns, King, Martel of Manchester, Ward 12, Maston, Gauthier, Crowley, Deans, Falconer, Hayward of Milford, Cole, Cooper, Saunders, Pappagianis, Marcoux, Boisvert of Nashua, Latour, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Spofford, Haley, Keating, Terrill, McCullough, Bennett, Brown of Keene, Faulkner, Kretowicz, Pickett, Oliver, Allen, Bouvier, Hackler, Congdon, Ballam, Galloway, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Russell, Angus, Nahil, D'Amante, Davis of Cornish, Bailey, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Gilbert, Plumer, Willey, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Neale, Larty, McMeekin, Chamberlain of Holderness, Clement of Landaff, Coutermarsh, Guay of Lebanon, Porter, Whipple,

Birch, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Dussault, Perrault, Desilets, Sheridan, Bouchard, Gagnon, Lacasse of Berlin, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Kimball of Jefferson, Bragg, Swett, Bushey, Stinson, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Clark, Kimball of Derry, Blair, Eastman of Exeter, Merrill, Jones, Weeks, Spollett of Hampstead. Long, Shepard, Sheehy, LaBlanche, Twardus, Carter, Pinkham, Palmer of Plaistow, Murch, Wardwell, White of Portsmouth, Ward 5, Philbrick of Rye, Peever, Willis, Gordon of Sandown, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Wiggin of Dover, Desjardins, Grimes, Calcutt, Corbath, Chase of Durham, Littlehale, Drew, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, Lacasse of Rochester, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Cormier, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Harkins, Normandin, Karagianis, O'Shan, Varrell, Atwood, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Nickerson of Tamworth, Hodgdon, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Phelps, Flynn, Hanson, Moore, Bates, Davis of Concord, Henry, Hancock, Gibson, Woodman, Robinson of Concord, Mannion, O'Neil of Concord. Peaslee of Concord, Saltmarsh, Cilley, Gove, Maxham, Newell. Comi, Carr, Boomhower, Leonard, Carpenter, Lafond of Hooksett, Mulaire, Montgomery, Presby, Perry, London, Plourde, Ayer of Pittsfield, McGrath, Stone, Thompson of Wilmot.

Nays, 143

HILLSBOROUGH COUNTY: Aucella, Farwell, Vadney, Hambleton, Poore, Taft, Ainley, Pettigrew, Danforth. Goode, Hart of Manchester, Martel of Manchester, Ward 3, Sullivan. Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Clancy

O'Connor, LaFrance, LeClerc, Tessier, Champagne, Delisle, Pelissier, Cary, Morris, Belanger, Bergeron, Hurley, LaFond of Manchester, Noel, Levasseur, Nalette, Daniel, DeGrace, Dion of Manchester, Rousseau, Vachon, Underhill, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne, Chartrain, Ryan, Bissonette, Bouley, Grand-maison. Sablusk, Gingras.

CHESHIRE COUNTY: Gowing, Turner, Stearns, Gordon of Jaffrey, Miskelly, Forbes, Frost, Sawyer.

SULLIVAN COUNTY: Gaffney, Burroughs, Marx, Rowell, Spalding, Merrifield.

GRAFTON COUNTY: Stevenson, Graham of Canaan, Monahan, Beard, Burrill, Kelley, Cushman.

COOS COUNTY: Fortier, Brungot, Potter, Styles, Converse, Emery, Baker.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Batchelder, Bisbee, Gay of Derry, Collishaw, Smith of Exeter, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Jenkins, Cheney, Dondero, Keefe, Wood, Dame, Blaisdell, White of Portsmouth, Ward 4, Ingraham, Carkin, Cross, Langford, Roulston, Felch.

STRAFFORD COUNTY: Leighton, Dunnington, Stonemetz, Richardson, Flanagan, Gilman of Farmington, Watson of Rochester, St. Pierre, Maloomian, Habel, Vincent.

BELKNAP COUNTY: Lacaillade, Ayre of Laconia, Prescott of Laconia, MacIsaac, Pickering of Meredith, Smith of Meredith, Urie.

CARROLL COUNTY: Diffenderfer, Brown of Sandwich.

MERRIMACK COUNTY: Guilbeault, LaFlamme, Dowd, Lessels, Gilman of Franklin, Thompson of Franklin, Charland, Burleigh, Thibeault of Pembroke, Hunt, Bigelow,

Miss Collyer of Lisbon voting Yes, paired with Mr. Kimball of Manchester voting No.

Mrs. Christiansen of Berlin voting Yes, paired with Mr. Ecker of Manchester voting No.

Mr. Rufo of Concord voting Yes, paired with Mr. Armstrong of Littleton voting No.

And the motion to indefinitely postpone prevailed.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 164, An Act relative to milk standards.

Amend paragraph XII of RSA 184:36 as inserted by section 2 of said bill by striking out said paragraph and inserting in place thereof the following:

XII. The term "coffee cereal special" means that product resulting from the blending of cream, milk and/or skim or skimmed milk to which has been added not more than five per cent of nonfat dry milk solids. The finished product shall be pasteurized and homogenized and shall contain not less than twelve per cent or more than fourteen per cent of milk fat.

Amend section 4 of said bill by striking out said section and inserting in place thereof the following:

4 *Labeling Containers.* Amend RSA 184 by inserting after section 38 the following new section to read as follows: 184:3-a *Labeling.* Upon the outside of each vessel, can or package from or in which the product, coffee cereal special, is sold the words "coffee cereal special" shall be distinctly marked in such letters of such size as compared with all other words upon said container so as to render it likely to be read and identified under the customary conditions of purchase and use. The use of the words "cream" or "milk" shall not appear as part of the labeling on any package or upon any tag or cap associated with a package containing this product. However, this shall not prohibit the use of the words, cream or milk, to appear in a statement listing the ingredients of the product.

Amend section 5 of said bill by striking out the words "half and half" in the sixth line and inserting in place thereof the words, coffee cereal special, so that said section as amended shall read as follows:

5 *Skimmed Milk, Etc.* Amend RSA 184:39 by striking out said section and inserting in place thereof the following: 184:39 *Penalty.* Whoever sells, offers for sale, or has in his possession with intent to sell, any milk, skimmed milk, butter

milk, butter or renovated butter, sweet cream butter, cream, heavy cream, and homogenized cream, nonfat milk, nonfat dry milk solids, fortified nonfat milk or coffee cereal special which fails to conform to the requirements of the four preceding sections, or otherwise violates any provisions of this subdivision, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not more than sixty days, or both.

Further amend said bill by striking out section 6 and by renumbering sections 7 and 8 to read sections 6 and 7.

Mr. Clement of Landaff moved that reading of the amendment be dispensed with and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Clement of Landaff the House concurred in the amendment sent down by the Senate.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry and Mrs. Johnson of Monroe, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House bills:

House Bill No. 90, An Act relating to the suspension of boat registration.

House Bill No. 154, An Act relative to the use of fluorine in the public water supply in the city of Concord.

House Bill No. 179, An Act relating to compensation of jurors.

House Bill No. 191, An Act relating to the classification of Ammonoosuc River and its tributaries.

House Bill No. 244, An Act relating to borrowing by counties.

House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture.

House Bill No. 282, An Act to restrict the authority of the tax commission relative to tax reassessment.

House Bill No. 385, An Act regulating the Goffstown police department.

Concurrent Resolution

The Senate has passed the following Concurrent Resolution in the passage of which it asks the concurrence of the House of Representatives:

Resolved, by the Senate, the House of Representatives concurring, That the Senate and House of Representatives of the State of New Hampshire have been grieved to learn of the passing of John Foster Dulles, a great national figure. The citizens of this State have, during the troubled international years through which we are passing, had confidence in his firm hand and enlightened actions. It takes this opportunity to pay tribute to a great man.

On a *viva voce* vote the concurrent resolution was unanimously adopted.

Mr. Wardwell of Portsmouth offered the following resolutions:

Whereas, we are deeply saddened by the passing of John Foster Dulles, former Secretary of State and a great national figure, and

Whereas, Mr. Dulles was greatly respected and beloved for his services to his nation as one who contributed so much to the betterment of mankind during both war and peace in cementing public relations in this country and abroad and who inspired great confidence during the troubled international times through which we are passing, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, pay tribute to this great American patriot, a statesman dedicated to high principles of whom it might be said that he had, indeed, given his life for his country, and extend our heartfelt sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Dulles, the widow, and be it further

Resolved, That when the House adjourns today it be in his memory.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Downing of Newport offered the following resolutions:

Whereas, Tharon I. Farmer of Newport has passed away, and

Whereas, he was a former Representative from Newport in the Legislature, therefore be it

Resolved, That we, the members of the House of Repre-

sentatives of the General Court of New Hampshire, hereby express our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to the deceased's brother, Frank M. Farmer.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Kearns of Manchester offered the following resolutions on behalf of the Hillsborough County Delegation.

Whereas, Bert L. Peaslee, Representative from Merimack, is confined to Memorial Hospital in Nashua as the result of a serious accident, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby express our sympathy to our Fellow Member in his misfortune and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Peaslee a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies.

House Bill No. 449, An Act relative to allowances for mileage for members of the general court from Concord.

Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

On motion of Mrs. Griffin of Auburn the House adjourned at 4:42 o'clock.

WEDNESDAY, MAY 27, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

O Thou who hast clothed our land in the greenery of this season, who hast adorned our State with rolling hills which break into lofty peaks dominating our blue lakes, who daily washes our shores of rock and sand with the freshness of the open sea, do Thou grant us appreciation for the beauty which surrounds us. Let not our markets, our factories and our office buildings be a profaning of the beauty that is on every hand. but rather let the implements of commerce and industry be servants of our culture, enriching the human scene.

So, this morning, we pray that this General Court and the Administration of the State of New Hampshire may have the wisdom to strive to be creative to the end that our resources may be enhanced and our human affairs enriched. Amen.

Pledge of Allegiance to the Flag

Mrs. Kimball of Jefferson led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mrs. Blanchette of Dover and Messrs. Jones of Fremont and Gilman of Franklin were granted leaves of absence for the day on account of illness.

Miss Bailey of Newport was granted leave of absence for today and Thursday on account of important business.

Mr. Burrows of Claremont and Mr. Stokes of Freedom were granted leaves of absence for the day on account of important business.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Committee on Rules (Mr. Collishaw of Exeter and Mr. Barker of Stratham), House Bill No. 475, An Act changing a

part of the boundary line between the towns of Stratham and Exeter. To the Committee on Municipal and County Government.

By Mr. Angus of Claremont, House Bill No. 476, An Act relative to the issuance of licenses for the operation of motor scooters. To the Committee on Transportation.

Mr. Batchelder of Deerfield moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously considered by the Rules Committee, and spoke in favor of the motion.

The Clerk read the bill in full.

The Chair declared a two minute recess.

After Recess

The Chair ruled that the bill just read has the same merits as House Bill No. 113 and that House Bill No. 113 was indefinitely postponed and therefore the Chair rules that the merits of the bill being the same this bill can not be introduced at this session.

Committee Reports

Mr. Emery of Stark, for the Committee on Fish and Game, to whom was referred House Bill No. 239, An Act providing for special non-resident student hunting licenses, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Bisbee of Derry explained the bill.

Mr. Monahan of Hanover spoke in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Felch of Seabrook, for the Committee on Fish and Game, to whom was referred House Bill No. 441, An Act to enlarge the advisory committee on shore fisheries, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Bisbee of Derry explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary to whom was referred House Bill No. 302, An Act relating to the confidential nature of adoption records and proceedings, having considered the same, reported the same with the fol-

lowing amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figures "1945" in the fifth line and inserting in place thereof the figures, 1947, so that said section as amended shall read as follows:

1 *Adoption Records.* Amend paragraph IV of RSA 461:11 (supp) as inserted by 1957, 197:1 by striking out said paragraph and inserting in place thereof the following: IV. This section shall apply to all records of adoptions decreed subsequent to January 1, 1947.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Healy of Manchester, Ward 6, for the Committee on Judiciary to whom was referred House Bill No. 359, An Act providing for admission of fact or execution of paper in actions at law or suits in equity, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Pappagianis of Nashua, for the Committee on Judiciary to whom was referred House Bill No. 368, An Act relative to recording certain instruments, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary to whom was referred House Bill No. 384, An Act to provide for the admission of learned treatises in malpractice actions, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Vachon of Manchester called for the Special Order on House Bill No. 126, An Act relative to the conduct of business on legal holidays.

Mr. Smith of Meredith, for the Committee on Municipal and County Government to whom was referred House Bill

No. 126 (in new draft), An Act relative to the conduct of business on legal holidays, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Municipal and County Government to whom was referred House Bill No. 126, An Act relative to the conduct of business on legal holidays, having considered the same, and being unable to agree with the majority reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Holidays*. Amend RSA 288 by inserting at the end thereof the following new subdivision:

Retail Sales on Holidays

288:4 *Town or City Ordinances*. The selection of a town or the city council of any city may adopt by-laws or ordinances prohibiting the conduct of retail sales of merchandise in shops, stores or other places of business on legal holidays as named in section 1, provided, however, that such by-laws or ordinances are approved by a majority vote of the legal voters present and voting at the next regular election. Whoever shall violate the provisions of a town or city by-law or ordinance adopted under the provisions of this section shall be fined not exceeding twenty-five dollars.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect*. This act shall take effect upon its passage.

ARTHUR B. LEONARD,
NELSON E. BARKER,
DAVID DEANS, JR.,
ALBERT LITTLEHALE,
LYLE N. WATSON,

For the Committee.

Mr. Deans of Milford moved that the minority report "Ought to Pass with amendment" be substituted for the re-

port of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Collishaw of Exeter moved that House Bill No. 126 be indefinitely postponed and spoke in favor of the motion.

Mr. Desnoyer of Claremont spoke in favor of the motion.

(discussion ensued)

Mr. Nickerson of Goffstown and Mrs. Dondero of Portsmouth spoke in favor of the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Fortier of Berlin moved the previous question and subsequently withdrew his motion.

Messrs. Downing of Newport, Perry of Newbury spoke in favor of the motion.

Messrs. Kimball of Manchester and Martel of Manchester, Ward 3, spoke against the motion.

Mr. Vachon of Manchester spoke against the motion.

Mr. Nickerson of Goffstown spoke a second time in favor of the motion.

The question before the House now being, shall House Bill No. 126 be indefinitely postponed.

Mr. Vachon of Manchester requested a division.

The division vote being manifestly in the affirmative House Bill No. 126 was indefinitely postponed.

Mr. Galloway of Walpole moved that the order be vacated whereby Senate Bill No. 83, An Act relating to the improvement of Rye Harbor, was referred to the Public Works Committee and that the bill be referred to the Resources, Recreation and Development Committee and spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Senate Messages

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 26, An Act to apply the principles of home rule to the establishing of salaries of city officials and employees.

Senate Bill No. 92, An Act relative to membership on the council on resources and development.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 26, An Act to apply the principles of home rule to the establishing of salaries of city officials and employees, to the Judiciary Committee.

Senate Bill No. 92, An Act relative to membership on the council on resources and development, to the Resources, Recreation and Development Committee.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the adoption of the amendment to a bill with the following title sent up from the House of Representatives:

Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of highways, roads and streets.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier.

House Bill No. 47, An Act relative to distribution by the state of sums paid by the Commonwealth of Massachusetts on account of Merrimack River Flood Control Compact.

House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the general court and for other distribution of said manual.

Report of Committee on Engrossed Bills

Mr. Lacasse of Berlin, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Joint Resolution:

House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the General Court and for other distribution of said manual.

The Speaker announced that the member from Bow, Mr.

Hanson, was celebrating the birth of a son named Jonathan on Sunday, May 24th.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 239, An Act providing for special non-resident student hunting licenses.

House Bill No. 302, An Act relating to the confidential nature of adoption records and proceedings.

House Bill No. 441, An Act to enlarge the advisory committee on shore fisheries.

On motion of Mrs. Prescott of Brentwood the House adjourned at 12:48 o'clock.

THURSDAY, MAY 28, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Robert D. Goodwin, of the Congregational Church of Hooksett as follows:

Almighty and everlasting God, Father of us all, giver of all things good, we bow before Thee this morning in patience and humility, seeking our orders for this day. Keep us ever aware that our lives, strength, intelligence, our beautiful New Hampshire and our nation are Thy gifts to us to be used only in accordance with Thy holy and perfect will.

Impress us with the truth, O great and wonderful Father, that we are accountable to Thee for what is said and enacted in this assembly, and that all of us must one day stand before Thee and give an account for what we have done with the

priceless gift of life and strength Thou hast freely loaned to us.

Thou hast made and preserved to us a nation under God, conceived in liberty. That we may properly guide and direct the affairs of this state as part of our nation may those in authority have as their rock and their guide the mind of Thy Son, Jesus Christ, whose presence is the guarantee of freedom and whose words are the example of wisdom.

Too often, O Gracious Father, we have insisted on our own ways, rather than Thy holy and perfect ways; too often we have accepted the easy wrong rather than the hard right. Remove from us, we pray, all selfishness, all pride, all conceit . . . all desire to enrich ourselves at the expense of the common welfare of others. Restore to us as a state, honorable and abundant industry, sound and vigorous learning and upright and pure manners. Endue with the spirit of unselfish service to our people of New Hampshire all those to whom there is entrusted the authority of this government that there might be justice, peace and the abundant life promised by our Lord and Saviour, Jesus Christ, in whose name we pray. Amen.

Pledge of Allegiance to the Flag

Mr. Reid of Milton led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following groups as guests of the House today:

The 7th and 8th grades of Newton Grammar School in charge of Miss Kalaskian and Mrs. Banks, courtesy of Mr. Cheney of Newton.

The 4th and 5th grades of Atkinson School in charge of Mrs. Marion Pourdes, courtesy of the Rockingham County Delegation.

A group of 7th grade of the Milton School in charge of Mr. John B. Folsom, courtesy of Mr. Ried of Milton.

Leaves of Absence

Mr. Batchelder of Deerfield was granted indefinite leave of absence on account of important business.

Mrs. Blanchette of Dover was granted leave of absence for the day on account of illness.

Mr. Rousseau of Manchester was granted leave of absence for the day to attend a funeral.

Messrs. Pillsbury of Manchester, Pinkham of Northwood and Rufo of Concord were granted leave of absence for the day on account of important business.

Introduction of Bills

The following House Bills were severally introduced, read a first and second time, and referred as follows:

By Mrs. DeLude of Unity, House Bill No. 477, An Act to authorize towns to adopt building codes by reference. To the Committee on Municipal and County Government.

By the Committee on Rules (Mr. Hunter of Hampton) House Bill No. 478, An Act authorizing the town of Hampton to acquire a water works system. To the Committee on Public Works.

Mr. Galloway of Walpole moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 478 and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Hunter of Hampton moved that the reading of the bill be dispensed with and spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

By the Committee on Rules (Mrs. Frizzell) House Joint Resolution No. 51, Joint Resolution to provide for an investigation and study of the laws relating to the taxation of personal property. To the Committee on Ways and Means.

Reports of Standing Committees

Mr. Roberts of Conway, for the Committee on Judiciary to whom was referred House Bill No. 428, An Act increasing the general penalty for motor vehicle violations, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Healy of Manchester, Ward 6, for the Committee on Judiciary to whom was referred Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations, having

considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Eastman of Exeter, for the Committee on Judiciary to whom was referred Senate Bill No. 126, An Act authorizing harbor masters to make arrests for violation of law, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Leonard of Franklin, for the Committee on Municipal and County Government to whom was referred House Bill No. 329, An Act relative to debt limits of municipalities for purchase of parking meters, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Gowing of Dublin, for the Committee on Municipal and County Government to whom was referred House Bill No. 416, An Act relative to reimbursement of the town of Deering for loss of taxes, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Pickett of Keene called for the Special Order on House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon.

Mr. Pickett of Keene moved that the words "Ought to Pass" be recorded in today's Journal on House Bill No. 28 and spoke in favor of the motion.

Mr. Casey of Manchester offered the following amendment:

House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon.

Amend House Bill No. 28 by striking out said bill in its entirety and substituting therefor the following:

1 *Sweepstakes*. Amend RSA 284 by inserting after section 21 the following new section: 284:21-a *Authorization*. Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter,

but not elsewhere, the commission shall grant any licensee hereunder who seeks permission so to do, the right to conduct not over two sweepstake races in each calendar year. In connection therewith, and only within said enclosure a licensee may sell tickets on said sweepstake races. I. The commission shall make the rules and regulations for the holding and conducting of such sweepstake races and the sales of tickets thereon not inconsistent with this section; shall be empowered to employ such technical assistants and employees to carry out the provisions of this section and to fix the compensation thereof as may be necessary; shall establish and fix the purses to be awarded horses which place in said sweepstake races; shall establish the price for which tickets upon said sweepstakes shall be sold; shall establish the method whereby tickets sold upon said sweepstakes races shall be determined to be winning tickets; and shall establish the money or prizes to be awarded holders of winning tickets; and shall authorize any licensee conducting sweepstake races to deduct from the gross revenue received from the sale of sweepstake tickets a sum which shall include the purses awarded horses which place in said sweepstake races, the prize money awarded holders of winning tickets as determined by the commission, the cost of printing, selling and paying winning tickets as well as any other expense necessary and incidental to the conduct of sweepstake races plus ten percent of said gross revenue and thereafter to pay the balance remaining to the state treasurer who shall cause to be distributed to the towns and cities of the State of New Hampshire on a population basis such funds and until such revised formula may be conceived by the General Court.

II. The resale of tickets upon said sweepstakes races shall be prohibited and shall be unlawful.

III. Transportation of said tickets in interstate commerce by any person other than the original purchaser thereof shall be unlawful.

IV. *Penalty.* If any person shall violate any of the provisions of the two preceding paragraphs, he shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

2 *Effect on Other Laws.* Amend RSA 284:34 by inserting after the word "pools" the words, or to the sale of sweep-

stakes tickets, so that said section as amended shall read as follows: 284:34 *Effect on Other Laws*. Sections 1 to 4 of chapter 338 RSA shall not apply to pari-mutuel pools or to the sale of sweepstakes tickets provided for herein.

3 *Takes Effect*. Notwithstanding any other provisions of law this act shall take effect upon its passage.

Mr. Haskins of Lyme moved that House Bill No. 28 be indefinitely postponed and spoke in favor of the motion.

Messrs. Nickerson of Goffstown and Coutermarsh of Lebanon spoke against the motion.

Messrs. Gilman of Farmington and Diffenderfer of Ossipee spoke in favor of the motion.

Mr. Pickett of Keene spoke against the motion.

Mrs. Frizzell of Charlestown moved the previous question and it was sufficiently seconded.

Mr. Pickett of Keene requested a division.

A division being had and 154 members having voted in the affirmative and 172 members having voted in the negative, the motion to indefinitely postpone did not prevail.

The question now being on the amendment as offered by Mr. Casey of Manchester.

On a *viva vote* the amendment was adopted.

The question now being on the motion of Mr. Pickett of Keene that House Bill No. 28 be reported as "Ought to Pass."

On a *viva voce* vote the motion was adopted.

The question now being, shall the bill be read a third time.

On a *viva voce* vote the Chair was in doubt and Mr. Gilman of Farmington demanded the Yeas and Nays.

The roll having been called with the following results:

Yeas, 189

STRAFFORD COUNTY: Desjardins, Calcutt, Flanagan, Rolfe, Hartigan, Watson of Rochester, Lacasse of Rochester, St. Pierre, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent.

BELKNAP COUNTY: Harkins, Normandin, Karagianis, O'Shan, Pickering of Meredith, Smith of Meredith.

CARROLL COUNTY: Downs, Blanchard, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Laflamme, Dowd, Hancock, Mannion, Carr, Gilman of Franklin, Carpenter, Lafond of Hooksett, Montgomery, Perry, London, Plourde, Thibeault of Pembroke, McGrath, Hunt, Stone.

HILLSBOROUGH COUNTY: Bragdon, Farwell, Vadney, Branch, Nickerson of Goffstown, Daneault, Gallagher Gamache, Ainley, Pettigrew, Danforth, Geisel, Goode, Hart of Manchester, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Casey, Clancy, Healy of Manchester, Ward 6, O'Connor, Tessier, Champagne, Compagna, Delisle, Pelissier, Cary, Morris, Belanger, Bergeron, King, Hurley, Lafond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12, Maston, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Crowley, Vachon, Falconer, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Sablusi, Bouthillier, Locke, Draper.

CHESHIRE COUNTY: Stearns, Keating, Terrill, Brown of Keene, Kretowicz, Pickett, Forbes, Congdon, Ballam, Gallo-way.

SULLIVAN COUNTY: Bradbury, Gaffney, Russell, Angus, D'Amante, Desnoyer, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Willey, Graham of Canaan, Sanborn of Enfield, Larty, Chamberlain of Holderness, Beard, Coutermarsh, Guay of Lebanon, Whipple, McGee, Armstrong of Littleton, Birch, Cushman, Kinghorn, Barney, Bradley of Thornton, Davis of Woodstock.

COOS COUNTY: Dussault, Fortier, Perrault, Desilets, Sheridan, Brungot, Christiansen, Bouchard, Gagnon, Lacasse of Berlin, Graham of Gorham, Bragg, Potter, Bushey, Styles, Converse, Emery, Stinson.

ROCKINGHAM COUNTY: Persson, Bisbee, Kimball of Derry, Blair, Palmer of Kensington, Sheehy, LaBranche, Twardus, Dondero, Keefe, Wood, Blaisdell, White of Portsmouth, Ward 5, Ingraham, Cross, Gordon of Sandown, Felch.

Nays, 160

STRAFFORD COUNTY: Berry, Leighton, Wiggin of Dover, Grimes, Dunnington, Stonemetz, Colbath, Richardson, Chase of Durham, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Maxfield, Johnson of Rochester, Clement of Rochester, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Lacaillade, Ayre of Laconia, Prescott of Laconia, MacIsaac, Varrell, Atwood, Howe.

CARROLL COUNTY: Chandler, Hill, Roberts, Stokes, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Hodgdon.

MERRIMACK COUNTY: Bates, Davis of Concord, Henry, Gibson, Woodman, Lessels, Robinson of Concord, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Cilley, Gove, Newell, Chase of Concord, Boomhower, Thompson of Franklin, Charland, Leonard, Mulaire, Burleigh, Ayer of Pittsfield, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Wiggin of Bedford, Aucella, Herrick, Hambleton, Poore, Taft, Pickering of Hancock, Crosby, Goodwin, Legallee, Lang, Martel of Manchester, Ward 3, Armstrong of Manchester, Deans, Hayward of Milford, Cole, Cooper, Saunders, Underhill, Pappagianis, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare.

CHESHIRE COUNTY: Washburn, Gowing, Turner, Gordon of Jaffrey, Spofford, McCullough, Bennett, Faulkner, Miskelly, Oliver, Allen, Bouvier, Hackler, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Phillips, Davis of Cornish, Marx, Wirkkala, Rowell, Merrifield.

GRAFTON COUNTY: Plumer, Hayward of Hanover, Monahan, Neale, McMeekin, Clement of Landaff, Porter, Burrill, Kelley, Haskins, Johnson of Monroe, Bell, Loizeaux, Breck.

COOS COUNTY: Marsh, Oakes, Emerson, Crockett, Kimball of Jefferson, Swett, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Spollett of Chester, Clark, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Hunter, Junkins,

Sanborn of Hampton Falls, Long, Shepard, Jenkins, Cheney, Carter, Palmer of Plaistow, Dame, Wardwell, White of Portsmouth, Ward 4, Carkin, Langford, Philbrick of Rye, Robinson of South Hampton, Barker, Waterhouse.

Mr. Lafrance of Manchester voting Yes, paired with Miss Spollett of Hampstead voting No.

Mr. Salvail of Nashua voting Yes, paired with Mr. Spalding of Plainfield voting No,

Mr. Nahil of Claremont voting Yes, paired with Mr. Peever of Salem voting No.

Mr. Gay of Derry voting Yes, paired with Mr. Urie of New Hampton voting No.

Mr. Pinkham of Northwood voting Yes, paired with Mr. Haley of Keene voting No.

The bill was ordered to a third reading.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to place House Bill No. 28 on third reading and final passage by title only at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 28, An Act relating to the conduct of sweepstake races and the sale of tickets thereon, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, requested that the House reconsider its vote whereby it passed House Bill No. 28, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 51, An Act relative to wholesaler's permit for sale of liquor and beverages, having considered the same, reported the same with the following recommendations:

That the Senate recede from its position in adopting its amendment, that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend said bill by striking out section 1 and inserting in place thereof the following new section:

1 *Wholesaler's Permits.* Amend RSA 181:9-a (supp) as inserted by 1957, 28:2 by striking out all after the word "renewal" in the seventh line and inserting in place thereof the words, of wholesale permits which were in existence on March 15, 1957 by the holders thereof as of said date; nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under said will provided that such legatees are also heirs-at-law or spouse of the deceased, so that said section as amended shall read as follows: 181:9-a ——— *Restrictions on Holding of.* No person shall through stock ownership, interlocking stock ownership, interlocking directors, or otherwise, have an interest or control, either direct or indirect in the business of the holders of a wholesaler's permit unless he has been a resident of the state for three consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits which were in existence on March 15, 1957 by the holders thereof as of said date; nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under said will provided that such legatees are also heirs-at-law or spouse of the deceased.

NEIL C. CATES,
LUCIEN E. BERGERON,
Conferees on the Part of the Senate.

SAMUEL GREEN,
DANIEL J. HEALY,
R. WAYNE CROSBY,
Conferees on the Part of the House.

On Motion of Mr. Healy of Manchester, Ward 6, the House concurred in the committee of conference report.

Senate Messages

The Senate Message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon.

Introduction of a Senate Bill

Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon, was introduced, read a first and second time and referred to the Committee on Insurance.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments to the following entitled bill.

Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 329, An Act relative to debt limits of municipalities for purchase of parking meters.

House Bill No. 428, An Act increasing the general penalty for motor vehicle violations.

The following Senate Bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations.

Senate Bill No. 126, An Act authorizing harbormasters to make arrests for violation of law.

On motion of Mrs. Weeks of Greenland the House adjourned at 12:47 o'clock.

TUESDAY, JUNE 2, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Charles Goolsby, of the Congregational Church in Dalton.

Almighty God, Our Father, as we begin our day's tasks, we pause to give thanks for Thy guidance and Thy strength.

We know that, without Thee, we can do nothing. Abide in our midst, this day, and every day. Free us from selfishness and narrowness. Fill us with strength and wisdom to do Thy will. Grant unto these, Thy servants, an awareness of the responsibility which is theirs.

We pray that everything that is done here may honor and glorify Thee. May all of our activities contribute to the welfare of our fellowmen.

And now, Our Father, we yield our lives and our wills to Thee. May we learn to think Thy thoughts and do Thy will in all things, for we pray in the spirit of our Lord Jesus Christ. Amen.

Pledge of Allegiance to the Flag

Mr. Emerson of Dalton led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced a group of Litchfield Grade School students in charge of Harry Econ, courtesy of Mr. Legallee of Litchfield.

Leaves of Absence

Mr. O'Neil of Chesterfield was granted leave of absence for the week on account of important business.

Mr. Brown of Keene was granted leave of absence for today and Wednesday on account of important business.

Mr. Burrows of Claremont was granted leave of absence for Wednesday and Thursday on account of important business.

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Messrs. Gilman of Franklin, Haley of Keene and Ingraham of Portsmouth were granted leave of absence for the day on account of illness.

Petition from Members

The Clerk read the following communication:

CONCORD

May 29, 1959

DEAR MR. SPEAKER:

When the Legislative session of 1959 commenced I made my plans on the basis that it would adjourn on or before June 1st. This was in line with the announced plans of the House leadership. It now appears that the session will last considerably longer.

Due to the unexpected length of the session, I am obliged to tender my resignation as a member of the House because of a conflict with an important employment which I agreed to undertake and the income from which I need.

Respectfully yours,

G. CARROLL CILLEY,

Representative, Concord, Ward 7.

The resignation was accepted.

Introduction of Bills

By Mrs. Chase of Concord, House Bill No. 479, An Act to repeal charters of certain corporations. To the Committee on Executive Departments and Administration.

By Mrs. Ainley of Manchester, House Bill No. 480, An Act relative to fees for inspection of weights and measures. To the Committee on Agriculture.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred Senate Bill No. 137, An Act relative to debt limitation of the industrial development authority, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 267, An Act to

extend the scope of operation of the University of New Hampshire, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Concurrent Resolution endorsing a United States policy of firmness in dealing with the Soviet Union, having considered the same, reported the same with the recommendation that the concurrent resolution be adopted.

Whereas, the world Communist movement under the domination of the Soviet Union has as its objective the establishment of totalitarian dictatorship in all parts of the world by unlawful methods, including espionage, sabotage, terrorism and other unlawful means; and

Whereas, International Communism is not a political movement but a world-wide conspiracy to destroy freedom of speech, freedom of assembly, freedom of religion, and the American constitutional form of government in particular; and

Whereas, more recently the President of the United States has announced a policy of firmness in refusing to yield to Communist pressure as applied to the city of Berlin, Germany; now therefore, be it

Resolved by the Senate with the House of Representatives concurring, That the General Court of the State of New Hampshire endorses a United States policy of firmness in dealing with the Soviet Union, and urging that this nation not be fooled by Krushchev's smiles, does earnestly recommend that the United States of America and its allies adopt and maintain a foreign policy that will not yield another inch of remaining free land to Communist aggression anywhere in the world, be it further

Resolved, That the Secretary of State transmit a copy of this Concurrent Resolution to the members of the New Hampshire delegation in Congress and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

On a *viva voce* vote the resolution was adopted.

Mr. Gove of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 200, An Act relative to state aid for nursing education, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1.

Further amend said bill by striking out section 2 thereof and by renumbering and inserting in place thereof the following:

1 *Appropriation.* For the purpose of providing funds for annual scholarship aid for nurses, as provided by RSA 326:30-32, there is hereby appropriated the sum of eight thousand dollars for the fiscal year ending June 30, 1960, and the sum of eight thousand dollars for the fiscal year ending June 30, 1961, and the governor is hereby authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

Further amend said bill by renumbering 3 and 4 to read sections 2 and 3.

The report was accepted and House Bill No. 200 was laid upon the table for printing of the amendment.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 288, An Act relating to defamation by radio or television, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 507-A:4 as inserted by section 1 of said bill, by striking out said section.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Ayer of Pittsfield, for the Committee on Judiciary, to whom was referred House Bill No. 307, An Act adopting the uniform estate tax apportionment act, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 88-A:1 (a) as inserted by section 1 of the bill, by adding at the end thereof the words, and the estate tax payable to this state as provided in RSA 87 and any amendments thereof, so that said paragraph as amended shall read as follows:

(a) "Estate" means the gross estate of a decedent as determined for the purpose of federal estate tax and the estate tax payable to this state as provided in RSA 87 and any amendments thereof.

Amend RSA 88-A:1 (e) as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

(e) "Tax" means the federal estate tax and interest payable to this state as provided in RSA 87 and any amendments thereof and penalties imposed in addition to the taxes.

Amend RSA 88-A:3 (b) as inserted by section 1 of the bill, by striking out the word "quitable" in the fourth line and inserting in place thereof the word, equitable, so that said paragraph as amended shall read as follows:

(b) If the probate court finds that it is inequitable to apportion interest and penalties in the manner provided in section 2, because of special circumstances, it may direct apportionment thereof in the manner it finds equitable.

Amend RSA 88-A:5 (e) as inserted by section 1 of the bill, by inserting after the word "States" in the eleventh line the words, or amendments thereof, so that said paragraph as amended shall read as follows:

(e) To the extent that property passing to or in trust for a surviving spouse or any charitable, public, or similar gift or bequest does not constitute an allowable deduction for purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and deductible from the property, the property shall not be included in the computation provided for in section 2 hereof, and to that extent no apportionment shall be made against the property. The sentence immediately preceding shall not apply to any case where the result will be to deprive the estate of a deduction otherwise allowable under Section 2053 (d) of the Internal Revenue Code of 1954 of the United States or amendments

thereof, relating to deduction for state death taxes on transfers for public, charitable or religious uses.

Amend RSA 88-A:8 (a) as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

(a) Subject to the conditions in subsection (b) of this section a fiduciary acting in another state or a person required to pay the tax domiciled in another state may institute an action in the courts of this state and may recover a proportionate amount of the federal estate tax, of an estate tax payable to another state, or of a death duty due by a decedent's estate to another state from a person interested in the estate who is either domiciled in this state or who owns property in this state subject to attachment or execution. For the purposes of the action the determination of apportionment by the court having jurisdiction of the administration of the decedent's estate in the other state shall be *prima facie* correct.

Further amend said bill by inserting after section 2 the following new section:

3 *Exception.* This act shall not apply to taxes due on account of the death of decedents dying prior to the effective date of this act.

Further amend said bill by renumbering section 3 to read section 4.

Mr. Crosby of Hillsborough moved that reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion was adopted.

The question now being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 130, An Act increasing the rate for minimum wages, having considered the same, reported the same with the following amendment, and the commendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Increase in Rate.* Amend RSA 279:21 (supp) as amended by 1955, 288:1 and 1957, 311:1 by striking out said section and inserting in place thereof the following: 269:21 *Minimum Hourly Rate.* No person, firm, or corporation shall employ any employee at a rate of less than one dollar per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors; and provided this limitation shall not apply to employees engaged as newsboys or golf caddies, and this limitation shall not apply to employees of hospitals or homes for the aged organized as non-profit corporations except as hereinafter provided, and this limitation shall not apply to employees engaged in restaurants, hotels, inns and cabins except as hereinafter provided. Further provided that no non-profit hospital corporation or non-profit home for the aged shall employ a laundry employee or nurse aide or practical nurse at a rate of less than eighty cents per hour and no person, firm or corporation shall employ any employee as usher at a theatre or pin boy at a bowling alley at a rate of less than seventy-five cents per hour and no person, firm or corporation shall employ any employee engaged in restaurants, hotels, inns or cabins at a rate of less than eighty-five cents per hour.

2 *Limitations.* Amend RSA 279:22 (supp) as amended by 1955, 288:1 and 1957, 311:2, by striking out the words "or a person who is nineteen years of age or under or who is sixty five years of age or over" so that said section as amended shall read as follows: 279:22 *Special Authorization in Certain Cases.* A person with less than six months' experience in an occupation, or a person whose earning capacity is impaired by age or physical or mental deficiency, may be paid not less than seventy-five cents per hour upon application to an authorization from the commissioner of labor.

3 *Takes Effect.* This act shall take effect October 1, 1959.

The undersigned, a minority of the Committee on Labor, to whom was referred House Bill No. 130, An Act increasing the rate for minimum wages, having considered the same, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Increase in Rate.* Amend RSA 279:21 (supp) as amended by 1955, 288:1 and 1957, 311:1, by striking out the words "eighty-five cents" in the second line and inserting in place thereof the words, one dollar, so that said section as amended shall read as follows: 279:21 *Minimum Hourly Rate.* No person, firm, or corporation shall employ any employee at a rate of less than one dollar per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins; and provided this limitation shall not apply to employees engaged as newsboys or golf caddies, and this limitation shall not apply to employees of hospitals or homes for the aged or organized as non-profit corporations except as hereinafter provided. Further provided that no non-profit hospital corporation or non-profit home for the aged shall employ a laundry employee or nurse aide or practical nurse at a rate of less than eighty cents per hour, and no person, firm or corporation shall employ any employee as usher at a theatre or pin boy at a bowling alley, at a rate of less than seventy-five cents per hour.

2 *Limitations.* Amend RSA 279:22 (supp) as amended by 1955, 288:1 and 1957, 311:2, by striking out the words "or a person who is nineteen years of age or under or who is sixty-five years of age or over" so that said section as amended shall read as follows: 279:22 *Special Authorization in Certain Cases.* A person with less than six months' experience in an occupation, or a person whose earning capacity is impaired by age or physical or mental deficiency, may be paid not less than seventy-five cents per hour upon application to an authorization from the commissioner of labor.

3 *Wage Board Appointed.* The commissioner forthwith shall appoint a wage board in conformity with RSA 279:5 for the purpose of making a study of the wages of employees of restaurants, hotels, inns and cabins. Said board shall serve without pay but the sum of twenty-five hundred dollars is hereby appropriated for their necessary expenses. Said sum appropriated shall be a charge upon the general fund.

4 *Takes Effect.* The provisions of section 3 shall take

effect upon the passage of this act, the remaining provisions of this act shall take effect as of October 1, 1959.

G. WALTER VARRELL,
ERNEST W. SALTMARSH,
MALCOLM J. STEVENSON,

For the Committee.

The reports were accepted.

Mr. Stevenson of Bethlehem moved that the report of the minority "Ought to Pass with Amendment," be substituted for the report of the majority "Ought to Pass with Amendment" and spoke in favor of the motion.

(discussion ensued)

Mr. Guay of Lebanon spoke against the motion.

Mr. Blanchard of Jackson spoke in favor of the motion.

Mr. MacIsaac of Laconia requested that the Chairman of the Labor Committee explain the minimum wage law regarding hotel and restaurant employees and yielded the floor to Mr. Angus of Claremont who explained the minimum wage law.

(discussion ensued)

The Chair declared a short recess and introduced the Hollywood star, Esther Williams, to the House.

After Recess

Mr. Deans of Milford moved that House Bill No. 130 be recommitted to the Committee on Labor and spoke in favor of the motion.

Messrs. Hancock of Concord, Pickett of Keene, Monahan of Hanover, Kimball of Manchester and Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Pillsbury of Manchester and Mr. Angus of Claremont spoke against the motion.

(discussion ensued)

Mr. Martel of Manchester, Ward 3, spoke against the motion.

(discussion ensued)

The Chair declared a one hour recess.

After Recess

(discussion continued)

Messrs. Hancock of Concord, Pickett of Keene, Monahan of Hanover, Kimball of Manchester and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Pillsbury of Manchester and Angus of Claremont spoke against the motion.

(discussion ensued)

Messrs. Gilman of Farmington, Stevenson of Bethlehem, Willey of Campton, Merrifield of Sunapee, Blanchard of Jackson, Crosby of Hillsborough and Mrs. Hayward of Hanover all spoke against the motion.

(discussion ensued)

Mr. Deans of Milford withdrew his motion to recommit House Bill No. 130.

The question now being on the motion to substitute the report of the minority for the report of the majority.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. King of Manchester spoke against the motion.

Mrs. Chase of Concord spoke in favor of the motion.

Mrs. Brungot of Berlin spoke against the motion.

(discussion ensued)

Mr. McMeekin of Haverhill spoke in favor of the motion.

(discussion ensued)

Mr. Hancock of Concord spoke against the motion.

(discussion ensued)

Mr. Willey of Campton spoke in favor of the motion.

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

Mr. Willey of Campton demanded the Yeas and Nays and subsequently withdrew his motion.

Mr. Crosby of Hillsborough demanded the Yeas and Nays.

The roll having been called with the following results:

Yeas, 229

HILLSBOROUGH COUNTY: Edwards, Wiggin of Bedford, Aucella, Farwell, Herrick, Hambleton, Nickerson of Goffstown, Taft, Pickering of Hancock, Goodwin, Legallee, Ainley, Danforth, Geisel, Kimball of Manchester, Pillsbury, Walsh, Armstrong of Manchester, Lafrance, Delisle, Cary, Belanger, Martel of Manchester, Ward 12; Maston, Christy, Vachon, Deans, Hayward of Milford, Cole, Cooper, Saunders, Underhill, Pappagianis, Chartrain, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Gowing, Turner, Stearns, Gordon of Jaffrey, Spofford, Terrill, McCullough, Bennett, Faulkner, Miskelly, Pickett, Oliver, Forbes, Allen, Bouvier, Hackler, Congdon, Ballam, Galloway, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Russell, Nahil, Phillips, D'Amante, Davis of Cornish, Marx, Wirkkala, Bailey, Brown of Newport, Spalding, Philbrick of Springfield, Merrifield.

GRAFTON COUNTY: Eastman of Ashland, Gilbert, Stevenson, Plumer, Willey, Graham of Canaan, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Chamberlain of Holderness, Clement of Landaff, Porter, Whipple, Armstrong of Littleton, Burrill, Kelley, Birch, Haskins, Johnson of Monroe, Cushman, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck.

COOS COUNTY: Marsh, Oakes, Emerson, Crockett, Kimball of Jefferson, Bragg, Swett, Potter, Styles, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Persson, Bisbee, Gay of Derry, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Hunter, Junkins, Sanborn of Hampton Falls, Long, Shepard, Jenkins, Cheney, Carter, Palmer of Plaistow, Dondero, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, White of Portsmouth, Ward 5, Carkin, Peever, Roulston, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Dunnington, Stonemetz, Colbath, Littlehale, Drew, Gilman of Farmington, Randall, Reid, Moulton, Watson

of Rochester, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, Watson of Belmont, Snow, Lacaille, Harkins, Ayre of Laconia, Karagianis, Prescott of Laconia, MacIsaac, Varrell, Smith of Meredith, Atwood.

CARROLL COUNTY: Chandler, Downs, Hill, Roberts, Stokes, Blanchard, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Phelps, Hanson, Moore, Bates, Davis of Concord, Henry, Gibson, Woodman, Lessels, Robinson of Concord, Peaslee of Concord, Gove, Maxham, Newell, Chase of Concord, Carr, Boomhower, Thompson of Franklin, Leonard, Carpenter, Montgomery, Perry, London, Burleigh, Ayer of Pittsfield, McGrath, Hunt, Bigelow, Stone.

Nays, 122

HILLSBOROUGH COUNTY: Bragdon, Vadney, Branch, Poor, Crosby, Daneault, Gallagher, Gamache, Pettigrew, Hart of Manchester, Martel of Manchester, Ward 3, Sullivan, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Casey, Clancy, Healy of Manchester, Ward 6, O'Connor, LeClerc, Tessier, Champagne, Compagna, Morris, Bergeron, King, Hurley, Noel, Lavasseur, Nalette, Daniel, DeGrace, Dion of Manchester, Rousseau, Crowley, Falcouer, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Boisvert, of Nashua, Ryan, Bissonette, Bouley, Grandmaison, Latour, Sablusk, Bouthillier.

CHESHIRE COUNTY: Washburn, Pike, Keating, Kretowicz, Frost, Sawyer.

SULLIVAN COUNTY: Gaffney, Angus, Burrows, Desnoyer, Downing, Rowell.

GRAFTON COUNTY: Bucklin, Sanborn of Enfield. Beard, Guay of Lebanon.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Brungot, Christiansen, Bouchard, Gagnon, Lacasse of Berlin, Graham of Gorham, Bushey.

ROCKINGHAM COUNTY: Prescott of Brentwood, Spollett of Chester, Clark, Palmer of Kensington, Sheehy, LaBranche, Twardus, Keefe, Cross, Langford.

STRAFFORD COUNTY: Desjardins, Calcutt, Richardson, Flanagan, Rolfe, Hartigan, Maxfield, Lacasse of Rochester, St. Pierre.

BELKNAP COUNTY: McAllister, Lord, Normandin, O'Shan, Pickering of Meredith, Urie, Howe.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Guilbeault, Laflamme, Dowd, Hancock, Mannion, O'Neil of Concord, Saltmarsh, Rufo, Charland, Lafond of Hooksett, Mulaire, Plourde, Thibeault of Pembroke, Thompson of Wilmot.

Miss Spollett of Hampstead voting Yes, paired with Mr. Gauthier of Manchester voting No.

Miss Collyer of Lisbon voting Yes, paired with Mr. Grimes of Dover voting No.

The motion to substitute the minority report prevailed and under the rules House Bill No. 130 was referred to the Committee on Appropriations.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to dispense with the reference to the Appropriations Committee on House Bill No. 130 and that the bill be placed on third reading and final passage at 3:00 o'clock this afternoon, and spoke in favor of the motion.

Mr. King of Manchester spoke against the motion.

Messrs. Gilman of Farmington, Stevenson of Bethlehem and Pickett of Keene spoke in favor of the motion.

Mr. Pillsbury of Manchester withdrew his motion.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to dispense with reference to the Appropriations Committee on House Bill No. 130 and that the bill be placed on third reading and final passage, and spoke in favor of the motion.

Mr. Tobin of Manchester wished to be recorded as voting against the motion.

Mr. Martel of Manchester spoke against the motion and requested a division vote.

A division being had and 228 members having voted in

the affirmative and 89 members having voted in the negative the motion prevailed.

Mr. Plourde of Pembroke, for the Committee on Public Works to whom was referred Senate Bill No. 109, An Act authorizing the issuance of short term loans for highway purposes, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Personal Privilege

Mr. O'Shan of Laconia rose on a point of personal privilege.

Mr. Wardwell of Portsmouth, for the Committee on Liquor Laws to whom was referred House Bill No. 184, An Act relative to off-sale permits for restaurants, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws to whom was referred House Bill No. 184, An Act relative to off-sale permits for restaurants, having considered the same, and being unable to agree with the majority reported the same with the recommendation that the bill ought to pass.

GEORGE J. HURLEY
EDWARD E. BROWN

The reports were accepted.

Mr. Gauthier of Manchester moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Underhill of Nashua moved that House Bill No. 184 be made a Special Order for 11:01 o'clock on Thursday next.

On a *viva voce* vote the motion was not adopted.

The question now being on the motion to substitute the minority report for the majority report.

Mr. Charland of Franklin spoke against the motion.

Mr. Armstrong of Littleton moved that further consideration of House Bill No. 184 be indefinitely postponed and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

House Bill No. 47, An Act relative to distribution by the state of sums paid by the Commonwealth of Massachusetts on account of Merrimack River Flood Control Compact.

House Bill No. 51, An Act relative to wholesaler's permits for sale of liquor and beverages.

House Bill No. 299, An Act relative to required number of school days in each year for standard schools.

House Bill No. 333, An Act relative to required courses of instruction in schools.

House Bill No. 355, An Act relative to officers of credit unions.

House Bill No. 470, An Act relative to license fees for recreation camps.

House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier.

Senate Bill No. 5, An Act to clarify the status of trees and other roadside growth within the boundaries of highways, roads and streets.

Senate Bill No. 84, An Act relative to insurance on property of the Industrial Park Authority.

Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations.

Senate Bill No. 126, An Act authorizing harbormasters to make arrests for violation of law.

Mr. Newell of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 164, An Act relative to milk standards, having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the first eleven lines and inserting in place thereof the following:

3 *Marking.* Amend RSA 184:38 by striking out said section and inserting in place thereof the following: 184:38 *Skimmed Milk.* No dealer in milk, skim milk, skimmed milk, nonfat milk, fat-free

On motion of Mr. Clement of Landaff the House concurred in the amendment.

Senate Messages

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 91, An Act relative to powers of school districts.

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations.

Introduction of Senate Bills

The following Senate Bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 91, An Act relative to powers of school districts, to the committee on Education.

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations, to the Committee on Executive Department and Administration.

The Senate Message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following bill:

House Bill No. 51, An Act relative to wholesaler's permits for sale of liquor and beverages.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 299, An Act relative to required number of school days in each year for standard elementary schools.

House Bill No. 333, An Act relative to required courses of instruction in schools.

House Bill No. 355, An Act relative to officers of credit unions.

House Bill No. 470, An Act relative to license fees for recreational camps.

Resolutions

Mr. Miskelly of Keene introduced the following resolutions:

Whereas, we have learned of the passing of Phillip H. Faulkner of Keene, and

Whereas, Mr. Faulkner has served as a fellow member of this House, as well as serving his community in many capacities, therefore be it

Resolved, That we, the members of this House of Representatives of the General Court do hereby extend our sympathy to his family in its bereavement and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mrs. Faulkner.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Bisbee of Derry for the Rockingham Delegation, offered the following resolutions:

Whereas, we have learned with sorrow of the passing of Harold L. Jones, Representative from Fremont, and

Whereas, Mr. Jones has served in that capacity for several sessions as well as serving his town in many ways, therefore be it

Resolved, That we, the members of this House of Representatives in General Court convened, do hereby extend our sympathy to his bereaved family, and be it further

Resolved, That the Clerk of the House be requested to transmit a copy of these resolutions to Mrs. Jones, and be it further

Resolved, That when the House adjourns today it adjourn in memory of Representative Jones.

On a rising vote the resolutions were unanimously adopted.

Mr. MacIsaac of Laconia offered the following resolutions:

Whereas, there is displayed in front of the Speaker's rostrum a beautiful painting of the Seal of the State of New Hampshire on an appropriate background which brings out the detail of the seal, and

Whereas, the seal was painted by Jane Irwin, an artist of Laconia, who has made a gift of the painting to us, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby ex-

press our deep appreciation to this artist for her thoughtfulness in making use of her great talent by donating such an appropriate gift which is an inspiration to us all, and be it further

Resolved, That the Clerk of the House transmit to Jane Irwin a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Announcements

The Chair announced that today is the 61st wedding anniversary of Representative and Mrs. Frank J. Bennett of Keene.

The Chair also announced that today is the 19th wedding anniversary of Representative and Mrs. Nickerson of Goffstown.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and that when the House adjourns today it be to meet at 11:00 o'clock tomorrow morning.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 130, An Act increasing the rate for minimum wages.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it passed House Bill No. 130 and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

House Bill No. 288, An Act relating to defamation by radio or television.

House Bill No. 307, An Act adopting the uniform estate tax apportionment act.

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 109, An Act authorizing the issuance of short term loans for highway purposes.

Senate Bill No. 137, An Act relative to debt limitation of the industrial development authority.

On motion of Mrs. Richardson of Dover the House adjourned in memory of Representatives Jones of Fremont at 3:49 o'clock.

WEDNESDAY, JUNE 3, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Help us, O Lord, to be mindful of a few simple values that have been of great historic use to our people, but which easily are ignored:

Help us to be concerned about the well-being of individuals and whether in the name of efficiency or any other cause to determine our actions by what they may mean directly to our fellow humans.

Help us to be stewards of individual initiative and freedom, the seeds of the democratic process, and whether in the name of economy or speed to be zealous in upholding the right that is every man's to be heard.

Help us to withstand the pressures of modern living that plead for shortcuts and expediency, that we may continue in the freedoms, the integrity and the exercise of the democratic spirit known by our fathers and entrusted to us. Amen.

Pledge of Allegiance to the Flag

Mr. Spofford of Jaffrey led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced the following groups as guests of the House today:

A group of Conant High School students from Jaffrey, in charge of Mr. Dufresne, courtesy of Mrs. Gordon of Jaffrey and Messrs. Spofford of Jaffrey and Allen of Rindge.

A group of Hopkinton High School students in charge of Mr. Moynihan, courtesy of Mr. Montgomery of Hopkinton.

Leaves of Absence

Mr. Gilman of Franklin was granted leave of absence for the day on account of illness.

Mr. Bouvier of Swanzey was granted leave of absence for the day to attend a funeral.

Mr. Mulaire of Hooksett was granted leave of absence for the day on account of important business.

Introduction of Bills

The following House bill and House joint resolution were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Fortier of Berlin, House Bill No. 481, An Act providing a retirement system for employees of the city of Berlin. To the Berlin Delegation.

By Mr. Danforth of Manchester, House Joint Resolution No. 52, Joint Resolution providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. To the Committee on Executive Departments and Administration.

Reports of Standing Committees

Mrs. Long of Kingston, for the Committee on Education, to whom was referred House Bill No. 395, An Act relative to additional grants of school building aid, having considered the same, reported the same with the recommendation that the bill ought to pass.

And the bill was referred to the Committee on Appropriations under the rules.

Mrs. White of Portsmouth, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 332, An Act relative to inspectors of election, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "three thousand" in the eighth line and inserting in place thereof the words, fifteen hundred, so that said section as amended shall read as follows:

1 *Inspectors of Election.* Amend RSA 59:30 by striking out said section and inserting in place thereof the following: 59:30 *Appointment by City or Town.* The mayor and board of aldermen of each city and the selectmen of each town, at some time between the first and tenth days of October preceding the biennial election, shall appoint, as additional election officers to act with the clerk, moderator, and selectmen at each polling place, four inspectors. Provided that if the number of voters qualified to vote at such polling place shall exceed fifteen hundred the mayor and board of aldermen of each city and the selectmen of each town may appoint for such polling place such additional inspectors as they may deem necessary for the efficient conduct of the election, provided further that in no one polling place shall there be a total of more than twenty-four election officials.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. White of Portsmouth, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 404, An Act relating to motor vehicle inspections, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. White of Portsmouth, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 406, An Act providing for reprinting volume 2 of the Revised Statutes Annotated, having considered the same, reported the same with the recommendation that the bill ought to pass, and the bill was referred to the Committee on Appropriations under the rules.

Mrs. White of Portsmouth, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 422, An Act for emergency location of state and municipal government, having considered the same, re-

ported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. White of Portsmouth, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 287, An Act relative to harness race receipts, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 3 the following new section:

4 *Distribution to Agricultural Fairs.* Amend RSA 284:23 (supp) as amended by 1955, 74:2 and 1957, 122:2 by inserting after paragraph III the following new paragraph: III-a Notwithstanding any other provisions of this chapter the total amount to be expended for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of one hundred and fifty thousand dollars in any one year. Whenever the one-fourth of one per cent of the total contributions to all parimutuel pools conducted at any running horse race or running horse meet and conducted at any harness horse race or harness horse race meet, which under the provisions of paragraphs I and II of this section are to be expended for the promotion of agriculture, shall exceed one hundred and fifty thousand dollars in any one year said excess shall be paid into the general funds of the state.

Further amend said bill by renumbering section 4 to read section 5.

And the bill was laid on the table for printing of the amendment in the Journal.

Mr. Harkins of Laconia, for the Special Committee consisting of the members from the city of Laconia, to whom was referred House Bill No. 151, An Act relative to the Laconia board of education, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Committee of Conference Report

The Committee of Conference, to whom was referred House Joint Resolution No. 12, Joint Resolution in favor of

Arthur E. Starkweather, having considered the same, reported the same with the recommendation that the Senate recede from its position in adopting its amendment and concur with the House in the passage of the Joint Resolution.

L. WALDO BIGELOW,

J. F. MALLEY,

ROY L. TIRRELL,

Conferees on the Part of the House.

EDA C. MARTIN,

PHILIP L. DUNLAP,

Conferees on the Part of the Senate.

On motion of Mr. Bigelow of Warner the House adopted the report of the Committee of Conference.

Senate Messages

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists.

Introduction of a Senate Bill

Senate Bill No. 66, An Act relative to fees for licenses for pharmacies and pharmacists, was introduced and read a first time.

Mr. King of Manchester offered the following resolution:

Whereas, the Honorable Senate has passed and introduced into the House of Representatives Senate Bill No. 66 as amended, entitled "An Act relative to fees for licenses for pharmacies and pharmacists," and

Whereas, the House of Representatives by the prerogatives, precedents, prior rulings of Speakers of the House, and the inherent powers and authority of the Speaker of the House and the House of Representatives, refuses to entertain, consider, concur or act on any action of the Honorable Senate on any revenue or fee raising bill originating in the Honorable Senate, therefore be it

Resolved, That the Honorable House for the foregoing reasons respectfully refuses to consider Senate Bill No. 66 as amended, entitled "An Act relative to fees for licenses for pharmacies and pharmacists" and any other revenue or fee raising bill originating in the Honorable Senate.

Messrs. King of Manchester and Crosby of Hillsborough spoke in favor of the resolution.

(discussion ensued)

On a *viva voce* vote the resolution was adopted.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 371, An Act disannexing a certain homestead in the town of Goffstown from the city of Manchester for school purposes.

Amend section 1 of said bill by striking out the words "and any other homestead in said town" in line 2 thereof, so that said section as amended shall read as follows:

1 *Homestead in Goffstown.* The homestead now or formerly of Joseph Florand in the town of Goffstown which was annexed from the town of Goffstown and annexed to the city of Manchester for school purposes is hereby disannexed from the city of Manchester and annexed to the town of Goffstown for school purposes.

On motion of Mr. King of Manchester the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 30, An Act relating to deposits of public funds.

Senate Bill No. 50, An Act relative to license fees for persons engaged in the business of making small loans.

Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford.

Senate Bill No. 138, An Act relative to a building and loan association or co-operative bank changing its name.

Senate Bill No. 157, An Act relative to the Civil War Centennial Commission.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 30, An Act relating to deposits of public funds, to the Committee on Banks.

Senate Bill No. 50, An Act relative to license fees for persons engaged in the business of making small loans, to the Committee on Banks.

Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford, to the Committee on Public Works.

Senate Bill No. 138, An Act relative to a building and loan association or co-operative bank changing its name, to the Committee on Banks.

Senate Bill No. 157, An Act relative to the Civil War Centennial Commission, to the Committee on Executive Departments and Administration.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 363, An Act relating to the city charter of the city of Laconia.

The Chair appointed the following Representatives as a Delegation from the House to attend the funeral of Harold L. Jones of Fremont:

Messrs. Langford of Raymond, Blair of Epping, Spollett of Chester, Gordon of Sandown and Mrs. Prescott of Brentwood and Mrs. Long of Kingston and Mr. Collishaw of Exeter.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 332, An Act relative to inspectors of elections.

House Bill No. 422, An Act for emergency location of state and municipal government.

House Bill No. 151, An Act relative to the Laconia Board of Education.

On motion of Mrs. Long of Kingston the House adjourned at 11:47 o'clock.

THURSDAY, JUNE 4, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Elgine Sherk of the Litchfield Presbyterian Church as follows:

Almighty and Gracious God we are pleased and grateful that Jesus was interested in legislators, governors, presidents and kings as well as in little children and those who run in a race. Make us wise enough to arrange a more Christian environment.

We ask for divine guidance in all social, domestic, educational, recreational and political problems that we legislate upon, not only this day but every day. May we not think or legislate selfishly but for the welfare of others. May we not come to bat solely with the intent of slamming a home run with three on to receive the applause from the grand-stand. More hitting and better playing from every corner of the field brings in the runs and wins the games day after day.

So may every legislator think, speak and vote for the welfare of our scenic and productive State. May each one of us have faith to believe and courage to work hard that we can have better education, cleaner sports, proper recreation for young and old and raise the moral and spiritual standard of every citizen and community. Thus we seek guidance not only for ourself but for all.

We hear and follow the words of Peter Marshall's prayer.

Forgive us, O God for our little conception of the heart of the Eternal, for the doubting suspicion with which we regard the heart of God.

Give us more faith. We have so little . . . we say. Yet we have faith in each other — in checks and banks, in trains and airplanes, in cooks, and in strangers who drive us in cabs. Forgive us for our stupidity, that we have faith in people whom we do not know and are so reluctant to have faith in Thee who knoweth us altogether.

Wilt Thou give to us that faith that we can deposit in the bank of Thy love, so that we may receive the dividends and interest that Thou art so willing to give us.

We ask it all in the lovely name of Jesus Christ our Saviour. Amen.

Pledge of Allegiance to the Flag

Mr. Drew of Farmington led the Convention in the Pledge of Allegiance to the Flag.

House

His Excellency, Governor Wesley Powell, appeared and addressed the House.

Introduction of Guests

The Chair introduced the Civics Class of Concord High School in charge of Mr. J. M. Wallace, courtesy of the Concord Delegation.

Leaves of Absence

Messrs. Gingras of Nashua, Robinson of Concord and Presby of Loudon were granted leaves of absence for the day on account of important business.

Mr. McGrath of Pittsfield was granted leave of absence for the day on account of illness in the family.

Mrs. Cary of Manchester and Mr. Comi of Concord were granted leave of absence for the day on account of illness.

Report of Standing Committee

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 348, An Act establishing a department of commerce, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Clement of Rochester offered the following amendment:

Amend said bill by inserting after section 13 the following new section:

14 *General Provisions for Recemployment.* I. Any classified employee of the state in the department of forestry

and recreation and the planning and development commission at the time when the classified positions are abolished, as provided in section 13, who has twenty or more years of service for the state shall be transferred to and become an employee in the department of commerce without taking competitive examinations. Said employee shall be placed in the same classification he held in the department abolished, if such classification is available, or otherwise in the next lower classification available, for which he is qualified.

II. Any classified employee of the state in the department of forestry and recreation and the planning and development commission at the time when the classified positions are abolished, with the exception of those employees coming within the provisions of paragraph I, who desires employment in the department of commerce will be given open competitive examinations for such positions. Any such former employee who receives a grade within the top three in said open competitive examination shall be given the position in the department of commerce over any persons who were not such former classified employees of said former departments; provided that if the persons receiving the top five grades or top two grades in the examinations are all such former employees the employee receiving the highest grade shall be appointed if one position is available, and the employee receiving the next highest grade shall be appointed to the next available position, if any, and the employee receiving the third highest grade shall be appointed to the third available position, if any.

Further amend said bill by renumbering sections 14 to 19, inclusive, to read sections 15 to 20, inclusive.

Further amend said bill by striking out sections 20, 21, 22 and 23 and inserting in place thereof the following:

21 *Takes Effect.* The appropriations made by section 19 hereof shall take effect as of July 1, 1960. The remaining provisions of this act shall take effect as of July 1, 1959.

The Clerk read the amendment in full.

Mr. Clement of Rochester spoke in favor of the amendment.

(discussion ensued)

Mr. Hancock of Concord offered the following amendment to the amendment:

Amend section 13 of said bill by striking out the same and inserting in place thereof the following:

13 *Status of Classified Personnel.* All classified personnel in the department of forestry and recreation and the planning and development commission shall be transferred to the department of commerce as of July 1, 1959 under the following condition:

I. No employee so assigned to a new position shall receive less total compensation than he was receiving at the time of the transfer and no such employee shall be required to take a written examination to be assigned to a position in the department of commerce.

Mr. Hancock explained his amendment and spoke in favor of same.

(discussion ensued)

The Chair declared a short recess.

After Recess

The Chair stated that the question before the House at this time is on the amendment to the amendment as offered by the member from Concord, Mr. Hancock.

Mr. Gilman of Farmington spoke against the amendment to the amendment.

(discussion ensued)

The Chair declared a 45 minute recess.

After Recess

The question now being on the amendment to the amendment as proposed by Mr. Hancock of Concord.

Mr. Gilman of Farmington yielded the floor to Mr. Marx of Langdon for the purpose of a question.

(discussion ensued)

Mr. Gibson of Concord spoke against the amendments and for the original bill.

(discussion ensued)

Mr. Hancock of Concord withdrew his amendment to the amendment.

The question now being on the amendment as offered by Mr. Clement of Rochester.

Mr. Urie of New Hampton spoke in favor of the amendment.

Mr. Bradley of Hanover spoke against the amendment.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the amendment.

Mr. King of Manchester spoke against the amendment.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the amendment.

(discussion ensued)

Messrs. Watson of Belmont, McMeekin of Haverhill and Mrs. Atwood of Sanbornton spoke against the amendment.

Mr. Flanagan of Dover and Mrs. Dondero of Portsmouth spoke in favor of the amendment.

(discussion ensued)

Messrs. Sheridan of Berlin and Malley of Somersworth spoke against the amendment.

Mr. MacIsaac of Laconia moved the previous question and it was sufficiently seconded.

The question now being, Shall the main question now be put?

On a *viva voce* vote the motion was adopted.

Mr. Miskelly of Keene demanded the Yeas and Nays.

The roll having been taken with the following results:

Yeas, 197

CHESHIRE COUNTY: Washburn, Gowing, Pike, Turner, Keating, Terrill, McCullough, Miskelly, Pickett, Forbes, Bouvier, Hackler, Galloway, Frost, Sawyer.

SULLIVAN COUNTY: Angus, Phillips, Marx, Rowell, Spalding, Merrifield.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Stevenson, Plumer, Graham of Canaan, Sanborn of Enfield, Chamberlain of Holderness, Beard, McGee, Armstrong of Littleton, Burrill, Kelley, Birch, Cushman.

COOS COUNTY: Brungot, Christiansen, Gagnon, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Bragg, Swett, Styles, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Spollett of Chester, Bisbee, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Jenkins, Labranche, Cheney, Carter, Pinkham, Dondero, Keefe, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, Carkin, Cross, Langford, Philbrick of Rye, Roulston, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Blanchette, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Drew, Gilman of Farmington, Randall, Reid, Rolfe, Maxfield, Watson of Rochester, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent.

BELKNAP COUNTY: Rollins, Snow, Lacaillade, Ayre of Laconia, Prescott of Laconia, MacIsaac, Pickering of Meredith, Smith of Meredith, Urie, Howe.

CARROLL COUNTY: Chandler, Hill, Roberts, Stokes, Nickerson of Madison, Diffenderfer, Brown of Sandwich, Hodgdon, Duchano, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Flynn, Laflamme, Dowd, Lessels, Chase of Concord, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Mulaire, Montgomery, London, Burleigh, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Edwards, Aucella, Farwell, Vadney, Hambleton, Nickerson of Goffstown, Poor, Taft, Goodwin, Daneault, Gallagher, Gamache, Ainley, Danforth, Geisel, Goode, Kimball of Manchester, Hart of Manchester, Martel of Manchester, Ward 3, Healy of Manchester, Ward 5, Manning, Armstrong of Manchester, O'Connor, Lafrance, Tessier, Compagna, Belanger, Noel, Levasseur, Maston, Daniel, DeGrace, Hayward of Milford, Cole, Cooper, Saunders, Underhill, Thibault of Nashua, Belcourt, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Sablusk, Gingras, Draper.

Nays, 164

CHESHIRE COUNTY: Stearns, Gordon of Jaffrey, Spofford, Bennett, Faulkner, Oliver, Allen, Congdon, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Russell, Nahil, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Willey, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Clement of Landaff, Coutermarsh, Guay of Lebanon, Porter, Whipple, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Bouchard, Lacasse of Berlin, Kimball of Jefferson, Potter, Bushey, Stinson.

ROCKINGHAM COUNTY: Griffin of Auburn, Clark, Blair, Merrill, Weeks, Spollett of Hampstead, Shepard, Sheehy, Twardus, Palmer of Plaistow, White of Portsmouth, Ward 5, Peever, Willis, Gordon of Sandown, Barker, Waterhouse.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Desjardins, Grimes, Littlehale, Moulton, Hartigan, Malley, Brown of Strafford,

BELKNAP COUNTY: McAllister, Watson of Belmont, Lord, Harkins, Normandin, Karagianis, O'Shan, Varrell, Atwood.

CARROLL COUNTY: Downs, Nickerson of Tamworth, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Davis of Concord, Henry, Hancock, Gibson, Woodman, Mannion, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Gove, Maxham, Newell, Rufo, Carr, Leonard, Carpenter, Lafond of Hooksett, Perry, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, Stone.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Herrick, Branch, Pickering of Hancock, Crosby, Legallee, Lang, Pettigrew, Pillsbury, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Walsh, Casey, Clancy, Healy of Manchester,

Ward 6, Leclerc, Champagne, Delisle, Pelissier, Morris, Bergeron, King, Hurley, Martel of Manchester, Ward 12, Nalette, Dion of Manchester, Gauthier, Rousseau, Vachon, Deans, Falconer, Trombly, Brosnahan, Pappagianis, Boisvert of Nashua, Latour, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare.

Mr. Hodgman of Pelham voting Yes, paired with Mr. Brown of Keene voting No.

Mr. Kretowicz of Keene voting Yes, paired with Mr. Chase of Durham voting No.

Mr. Edson of Lebanon voting Yes, paired with Miss Collyer of Lisbon voting No.

Mr. Foote of Portsmouth voting Yes, paired with Mr. Bates of Chichester voting No.

And the amendment was adopted.

The question now being, shall the bill be ordered to a third reading.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Willey of Campton, House Bill No. 200, An Act relative to state aid for nursing education, was made a Special Order of business for 11:01 o'clock on Wednesday next.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following House Bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 319, An Act to provide for the operation and maintenance of the Belknap County recreational area.

Amend section 4 of said bill by striking out the word "three" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows:

4 *Appointive Agency.* The county convention for the county of Belknap, hereinafter sometimes referred to as the "appointive agency", shall, acting as a body, appoint the members of the commission. Not more than two of the members of the commission shall be residents of the same municipality.

At least one member shall be an experienced skier and at least one member shall be experienced in the field of finance, banking, or accounting. The term of office of each member shall be five years, except that initially, one member shall be appointed for a term of five years, one member for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year. Thereafter, appointments shall be made for five years. Each member shall continue in office until his successor has been appointed and qualified, and each member shall be subject to removal for cause by the appointive agency after public hearing.

Mrs. Lord of Gilford explained the amendment.

On motion of Mr. Varrell of Laconia the House concurred in the amendment sent down by the Senate.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River watershed.

Introduction of a Senate Bill

Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River watershed, was introduced, read a first and second time, laid upon the table and referred to the Committee on Resources, Recreation and Development.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 164, An Act relative to milk standards.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled House bills:

House Bill No. 324, An Act relative to the charter of the Bristol Savings Bank.

House Bill No. 460, An Act to legalize the proceedings of the annual town meeting of Newbury and to permit said town to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

The Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following joint resolution:

House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather.

Report of Engrossed Bills

Mr. Lacasse of Berlin and Mrs. Johnson of Monroe, for the Committee on Engrossed bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

House Bill No. 164, An Act relative to Milk Standards.

House Bill No. 324, An Act relative to the charter of the Bristol Savings Bank.

House Bill No. 371, An Act disannexing a certain homestead in the town of Goffstown from the city of Manchester, for school purposes.

House Bill No. 460, An Act to legalize the proceedings of the annual town meeting of Newbury and to permit said town to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather.

Senate Bill No. 109, An Act authorizing the issuance of short term loans for highway purposes.

Senate Bill No. 137, An Act relative to debt limitation of the Industrial Development Authority.

House Bill No. 363, An Act relative to the city charter of the city of Laconia.

Communication

The Clerk read the following communication:

June 4, 1959

Honorable Stewart Lamprey
Speaker, House of Representatives
State House
Concord, New Hampshire

DEAR MR. LAMPREY:

The New Hampshire State Health Department Mobile X-ray unit will be stationed on the State House Plaza for one day only, on Wednesday, June 10, 1959, for the convenience of the members of the General Court and attaches.

Chest X-rays may be secured from 10 A. M. to 11 A. M., for one hour before the Legislature convenes and from 2 P. M. to 3 P. M., or for one hour following adjournment.

Sincerely,

EDWARD W. COLBY, M. D.,
State Health Officer.

The Chair announced that today is the 22nd wedding anniversary of Mr. and Mrs. Donald W. MacIsaac of Laconia.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of a bill by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Reading of a Bill

House Bill No. 348, An Act establishing a department of commerce, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Gilman of Farmington, having voted with the majority, asked the House to reconsider its vote whereby it passed House Bill No. 348, and spoke against the motion.

Mr. Sheridan of Berlin requested a division vote and subsequently withdrew his request.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Palmer of Plaistow the House adjourned at 4:19 o'clock.

TUESDAY, JUNE 9, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Ernest H. J. Vincent from the First Baptist Church in Belmont.

Almighty and most merciful Father, Thou Who art from everlasting to everlasting, and by Whom all things are created, and by Whose power they continue to this hour, we come before Thy presence that we might seek Thy blessing and Thy Divine guidance as we approach the business of this day in this legislative assembly of the State of New Hampshire.

We give Thee thanks for those who in the past generations, trusting in Thy goodness, established for us a land that is rich and fruitful, and bequeathed to us a noble heritage. Help us to be true to the highest and best, and to so accept the responsibilities placed upon us by the people, that we may leave for coming generations a heritage no less beautiful and worthy than the one we received.

We recognize our limitations, and we acknowledge our failings, but trust in Thy Divine goodness that we may perform our duties as become those who have looked into the face of God, and have companioned with Jesus Christ, His Son, our Saviour. Let Thy Divine Spirit direct us in all our deliberations. This we ask in the name of our Redeemer. Amen.

Pledge of Allegiance to the Flag

Mr. Watson of Belmont led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced a group of 4th, 5th and 6th grade students of the Canterbury Elementary School accompanied by Mrs. Frances Smith, courtesy of the Merrimack County Delegation.

Leaves of Absence

Mr. Bouvier of Swanzey was granted leave of absence for the week on account of important business.

Mr. Comi of Concord was granted leave of absence for the week on account of illness.

Messrs. Carkin of Portsmouth and Chartrain of Nashua were granted leave of absence for the day on account of illness in the family.

Messrs. Burleigh of Northfield and Pinkham of Northwood were granted leave of absence for the day on account of important business.

Introduction of a Bill

By Mr. McGee of Lincoln, House Bill No. 482, An Act relative to timber tax law, was introduced, read a first and second time, laid upon the table for printing and referred to the committee on Ways and Means.

Reports of Standing Committees

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred Senate Bill No. 39, An Act relating to the banking department, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Method of Appointment of Deputy.* Amend RSA 383:1 by striking out said section and inserting in place thereof the following: 383:1 *Commissioner and Deputy.* There shall be a bank commissioner who shall be appointed by the governor with the advice and consent of the council, and his term shall be for six years or until his successor is appointed and qualified. There shall be a deputy bank commissioner who shall be recommended by the bank commissioner and appointed by the governor with the advice and consent of the council, and his term shall be six years. The deputy may exercise the powers and perform the duties of the commissioner during his absence whenever and to the extent that he may be so authorized by the commissioner. In case of the temporary disability of the commissioner, or of a vacancy in the office, the deputy shall have the powers and perform the duties until another commissioner is appointed and qualified.

2 *Assistant Commissioner.* Amend RSA 383:5 by striking out said section and inserting in place thereof the following: 383:5 *Assistant Bank Commissioner.* There shall be an assistant bank commissioner who shall be appointed by the

commissioner. He shall serve at the pleasure of the commissioner and shall perform such duties as shall be assigned to him by the commissioner. The salary of the assistant commissioner shall be as fixed by RSA 94:1.

3 *Present Deputy Commissioner for Building and Loan Associations.* The deputy commissioner for building and loan associations in office at the time of the passage of this act is hereby designated as assistant bank commissioner.

4 *Compensation.* Amend RSA 94:1 (supp) as amended, by striking out the line "Deputy bank commissioner (building and loan), minimum 6500, maximum 7488" and inserting after the provision for the salaries of the assistant attorneys general the line, Assistant bank commissioner minimum 6500, maximum 7488, provided however that nothing in this act shall be construed to reduce the salary of the deputy bank commissioner for building and loan associations in office at the time of the passage of this act who is designated as assistant bank commissioner by section 3 of this act.

Amend Section 5 of the bill by striking out said section and inserting in place thereof the following new section:

5 *Additional Examinations.* Amend RSA 383:10 by striking out said section and inserting in place thereof the following new section: 383:10 *Methods of Examination.* Upon such examinations, he shall inspect the books of such institutions and their papers, notes, bonds, and other evidences of debt, and shall otherwise make such an examination as may be necessary to determine the true condition of the institutions and their ability to perform their engagements, and whether they have violated any provisions of law.

In addition to and not in substitution for the annual examination required by section 9 the commissioner may, whenever he considers it necessary, engage the services of outside accountants or other experts to perform an audit or make such further examination as he deems necessary. The compensation and expenses of such outside accountants or other experts shall be a charge against the examined institution and shall be paid directly by such institution.

6 *Residence as Requirement.* Amend RSA 383:6 by striking out said section and inserting in place thereof the following: 383:6 *Qualifications.* No person who is not a resident of the state at the time of his appointment, or who

fails to become a resident of the state within one year after his appointment, and no person who is indebted to any corporation under the supervision of the commissioner, or who holds any stock or office in any such corporation or association, or who is engaged as principal or agent in the business of selling or negotiating in this state loans, stocks, or securities of any kind, or who is an officer or stockholder in any corporation engaged in such business, shall be eligible to hold or continue to hold the office of commissioner, deputy commissioner, or assistant commissioner.

7 *Salaries.* Amend RSA 383:7 by striking out the word "each" in the second line and inserting in place thereof the word, "the," by striking out the words "deputy commissioner" and inserting in place thereof the words, deputy commissioner, assistant commissioner; and by striking out the figure "5" in the ninth line and inserting in place thereof the figure "6," so that said section as amended, shall read as follows: 383:7 *Compensation; Assistants.* The annual salary of the bank commissioner and that of the deputy commissioner, shall be that prescribed by RSA 94:1-4. The commissioner may appoint examiners and such clerical assistants as may be necessary, within the limits of the appropriations therefor and the registration of the state personnel system. The commissioner, deputy commissioner, assistant commissioner, examiners, and other assistants shall be allowed their actual traveling expenses when engaged in their official duties. No person shall serve as examiner who would be disqualified to serve as commissioner under the limitation of section 6.

8 *Administration of Oaths.* Amend RSA 383:12 by inserting after the words "Deputy Commissioner" in the first line the words, Assistant Commissioner, so that said section as amended shall read as follows: 383:12 *Oaths.* The Commissioner, Deputy Commissioner, Assistant Commissioner or any of the examiners may summon and examine under oath by him administered any officer, agent, or servant of any such institution or any other person in relation to the affairs and condition of the institution.

9. *Penalty.* Amend RSA 383:16 by inserting after the words "deputy commissioner" in the first line the words, assistant commissioner, so that said section as amended shall read as follows: 383:16 *Irregularities.* If the commis-

sioner, deputy commissioner, assistant commissioner, or any examiner shall make a false statement of the condition of any institution with the intent to deceive, or shall fail when examining any institution to make a full and careful examination, he shall be fined not more than one thousand dollars, or imprisoned not more than five years.

10. This act shall take effect upon its passage.

Senate Bill No. 39 was laid on the table for printing of the amendment under Rule 46.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred Senate Bill No. 14, An Act relative to abatement of taxes assessed against the Valley Trust Company, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Palmer of Plaistow, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 365, An Act relative to determination of final compensation under state employees retirement system, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to definitions under the state employees retirement system.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Employees Retirement System.* Amend paragraph XI of RSA 100:1 by adding at the end thereof the following: Notwithstanding the foregoing, the earnable compensation of a member whose compensation is reduced for any reason shall, at the election of the member made at the time of such reduction, be deemed for the purposes of the retirement system to be continued at the higher rate. Such election shall be irrevocable, so that said paragraph as amended shall read as follows: XI. "Earnable compensation" shall mean the full base rate of compensation paid to an employee. In cases where compensation includes maintenance, the board of trustees shall fix the value of that part of the compensation not paid in

money. Notwithstanding the foregoing, the earnable compensation of a member whose compensation is reduced for any reason shall, at the election of the member made at the time of such reduction, be deemed for the purposes of the retirement system to be continued at the higher rate. Such election shall be irrevocable.

2 *Takes Effect.* This act shall take effect as of June 30, 1959.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Palmer of Plaistow, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 440, An Act relative to longevity compensation for legislative service assistants, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 440 was referred to the Committee on Appropriations under the rules.

Mrs. Palmer of Plaistow, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 177, An Act to provide increased benefits under the state employees retirement system, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Palmer of Plaistow, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 454, An Act amending the benefits payable upon retirement, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 454 was referred to the Committee on Appropriations under the rules.

Mr. Bisbee of Derry, for the Committee on Fish and Game to whom was referred House Bill No. 1, An Act providing one season for taking deer, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Diffenderfer of Ossipee moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legis-

late" and spoke in favor of the motion and subsequently withdrew his motion.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Tobin of Manchester, for the Committee on Judiciary to whom was referred Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverages, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "less than twenty dollars nor" in lines four and five, so that said section as amended shall read as follows:

1 *Liquor and Alcoholic Beverages.* Amend RSA 175 by inserting after section 8 the following new section: 175:8-a *Unlawful Possession.* A minor who has in his possession any liquor or alcoholic beverage shall be fined not more than fifty dollars.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 173, An Act penalizing persons remaining on private property after being requested to leave by the owner, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following new title:

An Act relative to trespass on private property and authority of fish and game commissioner to temporarily close areas to fishing.

Amend said bill by striking out section 1 and inserting in place thereof the following new section:

1 *Trespass.* Amend RSA 572 by adding after section 49 thereof as inserted by 1955, 116:1 the following new section: 572:50 *Failure to Leave Property When Requested.* Whenever any person without right found upon the land of another is requested by the owner, or his agent, or person in lawful possession, to leave said land, he shall immediately take exit and, upon failure to do so, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars. For the purposes of this section, any person who shall falsely represent that he is the true owner, or person in lawful possession, or shall falsely represent that he is an agent of the true owner, or person in lawful possession, shall be fined not more than fifty dollars. Nothing in this section shall prohibit the use of uncultivated land by hunters and fishermen for hunting and fishing unless their presence shall constitute foreseeable harm to the owner or property and unless said land is posted by order of the fish and game department in accordance with RSA 206:15-a.

Further amend said bill by inserting after section 1 the following new section:

2 *Authority of Director.* Amend RSA 206 by adding after section 15 the following new section: 206:15-a *Areas Closed Temporarily to Hunting and Fishing.* Notwithstanding the other provisions of this chapter, the director shall have the power and authority to close to hunting or fishing, or both, any area in which there is in his opinion foreseeable harm to property or it is in his opinion dangerous to human life to hunt thereon, and he shall have the power and authority to close any season for the taking of fish in any area for not over sixty days for stocking or conservation purposes and ninety days to reclaim ponds in any calendar year when in his opinion such action shall be necessary for the protection or preservation of the fish in such area. Any rule, regulation or order of the director issued pursuant to this section shall take effect at such time as shall be stated therein and shall be given such publication as the director may in his discretion deem proper to fairly acquaint the residents of the locality affected thereby of the provisions thereof.

3 *Repeal.* RSA 206:15, relating to areas closed temporarily to hunting, is hereby repealed.

Further amend said bill by renumbering section 2 to read section 4.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. London of New London, for the Committee on Judiciary, to whom was referred Senate Bill No. 140, An Act relating to witnesses in criminal cases, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 3 and inserting in place thereof the following:

3 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Urie of New Hampton, for the Committee on Resources, Recreation and Development to whom was referred Senate Bill No. 83, An Act relating to the improvement of Rye Harbor, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

(discussion ensued)

Senate Bill No. 83 was referred to the Committee on Appropriations under the rules.

Mr. Rice of Peterborough and Mr. Oliver of Marlborough, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 413, An Act providing for the acquisition of the so-called island at Nubanusit Lake, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

House Bill No. 413 was referred to the Committee on Appropriations under the rules.

Mr. Terry of Westmoreland, for the Committee on Transportation to whom was referred House Bill No. 450, An Act relative to red lights on motor vehicle service trucks, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "trucks" in the second and ninth lines and inserting in place thereof the word, vehicles, so that said section as amended shall read as follows:

1 *Motor Vehicle Service Trucks.* Amend RSA 263:41 by inserting after the word "wreckers" in the sixth line the words, service vehicles, so that said section as amended shall read as follows: 263:41 *Red Lights.* It shall be unlawful for any motor vehicle to be operated on the ways of the state equipped with a red light on the front thereof or a red beacon on the roof thereof. This provision shall not apply to vehicles of law enforcement officers, forestry departments, fire departments, volunteer members of fire departments, state, city or town highway or public works departments, public utilities, wreckers, service vehicles, or public or private ambulances.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred Senate Bill No. 88, An Act relating to motor vehicle fees and municipal permits, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

House Bill No. 287, An Act relative to harness race receipts was taken from the table.

The question being on the amendment as printed in the Journal of June 3, page 6.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 62, An Act providing for notification from the commissioner of labor of the right to appeal from wage rate determinations.

Senate Bill No. 108, An Act to restrict power boating on Otter Lake and Sunset Lake in Greenfield.

Senate Bill No. 153, An Act relative to deputy health officers for several towns.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 62, An Act providing for notification from the commissioner of labor of the right to appeal from wage rate determinations, to the Committee on Labor.

Senate Bill No. 108, An Act to restrict power boating on Otter Lake and Sunset Lake in Greenfield, to the Committee on Resources, Recreation and Development.

Senate Bill No. 153, An Act relative to deputy health officers for several towns, to the Committee on Public Health.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following concurrent resolution, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

Whereas, the world Communist movement under the domination of the Soviet Union has as its objective the establishment of totalitarian dictatorship in all parts of the world by unlawful methods, including espionage, sabotage, terrorism and other unlawful means; and

Whereas, International Communism is not a political movement but a world-wide conspiracy to destroy freedom of speech, freedom of assembly, freedom of religion, and the American constitutional form of government in particular; and

Whereas, more recently the President of the United States has announced a policy of firmness in refusing to yield to Communist pressure as applied to the city of Berlin, Germany; now therefore, be it

Resolved by the Senate with the House of Representatives concurring, That the General Court of the State of New Hampshire endorses a United States policy of firmness in dealing with the Soviet Union, and does earnestly recommend that the United States of America and its allies adopt and maintain a foreign policy that will not yield remaining free land to Communist aggression anywhere in the world, and be it further.

Resolved, That the Secretary of State transmit a copy of this Concurrent Resolution to the members of the New Hampshire delegation in Congress and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

On a *viva voce* vote the House concurred in the amendment sent down by the Senate.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives.

House Joint Resolution No. 31, Joint Resolution relative to the transfer of funds by the state treasurer.

House Bill No. 89, An Act relating to operation of boats while under the influence of liquor.

House Bill No. 275, An Act relative to the practice of medicine and licensing provisions.

House Bill No. 349, An Act to provide for consolidated bond issue to reimburse the state treasury.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills and House Joint Resolution:

House Bill No. 89, An Act relative to operation of boats while under the influence of liquor.

House Bill No. 275, An Act relative to the practice of medicine and licensing provisions.

House Bill No. 319, An Act to provide for the operation and maintenance of the Belknap County recreational area.

House Bill No. 349, An Act to provide for the consolidated bond issue to reimburse the state treasury.

House Joint Resolution No. 31, Joint Resolution relative to the transfer of funds by the state treasurer.

Resolutions

Mr. Blair of Epping offered the following resolutions:

Whereas, James F. Brown of Epping has passed away, and

Whereas, he was a former representative from Epping, a former law enforcement officer for the State Police and the Motor Vehicle Department for many years, a member of the

Rockingham County Law Enforcement Association, an honorary member of the New Hampshire State Employees Association, and at the time of his death was serving as associate judge in Epping Municipal Court, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, pay tribute to his services to his town, county and state, and extend our deep sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Brown, a copy of these Resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 365, An Act relative to determination of final compensation under state employees retirement system.

House Bill No. 173, An Act penalizing persons remaining on private property after being requested to leave by the owner.

House Bill No. 450, An Act relative to red lights on motor vehicle service trucks.

House Bill No. 287, An Act relative to harness race receipts.

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 14, An Act relative to abatement of taxes assessed against the Valley Trust Company.

Senate Bill No. 88, An Act relating to motor vehicle fees and municipal permits.

The following Senate bills were severally read a third time, passed, and sent to the Senate for concurrence in the House amendments.

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage.

Senate Bill No. 140, An Act relating to witnesses in criminal cases.

On motion of Mrs. Dondero of Portsmouth the House adjourned at 11:57 o'clock.

WEDNESDAY, JUNE 10, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Arlington Wry, of the Pittsfield Baptist Church.

Almighty God, Who hast given us this wonderful State for our heritage; we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Help us to share our blessings with others and to find in our privileges an obligation to minister to those who need what we have. Bestow upon us strength for our daily tasks; courage in the face of fears; comfort in sorrow; quiet in the midst of tumult; hope in the presence of uncertainty; high motives for humble as well as high deeds; self-control in the hour of provocation; gentleness and forgiveness when tempted to revenge; and the peace which passeth all understanding.

Bless our State with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion us into one united people, the multitudes brought hither out of many kindreds and tongues.

Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace throughout our State, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the world. In the day of trouble, suffer not

our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

Pledge of Allegiance to the Flag

Mrs. Hill of Conway led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following groups as guests of the House today.

A group of Holderness Grade School students in charge of Robert McGlone, courtesy of Mr. Chamberlain of Holderness.

A group of 6th and 7th grade students from the Stratham school in charge of Mrs. Allen and Mrs. Burwell, courtesy of Mr. Barker of Stratham.

Leaves of Absence

Mr. Rollins of Alton was granted leave of absence for the day on account of important business.

Mr. Ingraham of Portsmouth was granted an indefinite leave of absence on account of illness.

Messrs. Peaslee of Concord and Burrows of Claremont were granted leave of absence for today and Thursday on account of important business.

Messrs. McGrath of Pittsfield and Montgomery of Hopkinton were granted leave of absence for the day on account of illness in the family.

Reports of Standing Committees

Mr. Perreault of Berlin, for the Committee on Aviation to whom was referred House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 8 of said bill by striking out the same and inserting in place thereof the following:

8 *Immunity from Tort Liability.* Notwithstanding the fact that the authority may derive income from operating profit, fees, rentals or otherwise, it shall enjoy the same im-

munity from suit and liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors as is enjoyed by towns and cities and other political subdivisions in the operation of such facilities in accordance with RSA 422:17.

The Clerk read the amendment in full.

Mr. Coutermarsh of Lebanon spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred House Bill No. 453, An Act relative to limitations on investments of savings banks, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Merrill of Exeter wished to be recorded as opposing the passage of House Bill No. 453.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred Senate Bill No. 71, An Act relative to verification of individual savings deposit books, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Barker of Stratham, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 143, An Act legalizing the school district meetings held in Lyndeborough on March 12, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Barney of Rumney, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 436, An Act relative to certain islands in great ponds, having considered the same, reported the same with the following amendment, and the recommendation that the bill ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Jurisdiction.* Amend RSA 219:7-a (supp) as inserted by 1957, 286:1 by striking out the word "and" in the eleventh line; further amend by inserting after the word "Danbury" in the twelfth line the words, and figures, (9) the island in Baptist Pond in the town of Springfield; (10) the island in Billings Pond in the town of Sutton; and (11) the island in Eastman Pond in the town of Grantham, so that said section as amended shall read as follows: 219:7-a *Islands.* The following islands in the following lakes or ponds are hereby placed within the jurisdiction of the forestry and recreation commission, as public reservations; (1) Loon island in Keysar Lake in the town of Sutton; (2) Small island in Sand Pond in the town of Marlow; (3) Ingalls island in Rocky Pond in the town of Canterbury; (4) North island in Rocky Pond in the town of Gilmanton; (5) Three islands in Ledge Pond in the town of Sunapee; (6) An island in Wheelwright Lake in the town of Lee; (7) An island located in Kingswood Lake (formerly Cook's Pond) in the town of Brookfield; (8) Seven islands in Pleasant Pond in the town of Danbury; (9) the island in Baptist Pond in the town of Springfield; (10) the island in Billings Pond in the town of Sutton; and (11) the island in Eastman Pond in the town of Grantham. Nothing contained herein shall confer authority on the forestry and recreation commission to dispose of said islands by sale and provided further that nothing contained herein shall be construed to affect the title to any such islands.

On motion of Mr. Monahan of Hanover reading of the amendment was dispensed with and Mr. Monahan explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Coutermarsh of Lebanon, for the Special Committee consisting of the members from the City of Lebanon to whom was referred House Bill No. 423, An Act changing the administration of Lebanon from city government to town government, having considered the same, reported the same without recommendation.

Mr. Beard of Lebanon moved that House Bill No. 423 be reported "Ought to Pass" and spoke in favor of the motion.

(Mr. Chandler of Bartlett in the Chair)

The Chair declared a two minute recess.

After Recess

Mr. Coutermarsh of Lebanon moved that House Bill No. 423 be indefinitely postponed and spoke in favor of the motion.

Mr. Guay of Lebanon spoke against the motion.

(discussion ensued)

Mrs. Whipple and Mr. Porter of Lebanon spoke in favor of the motion.

(discussion ensued)

Mr. Edson of Lebanon and Mr. Kimball of Manchester spoke against the motion.

(Speaker in the Chair)

Mr. Plumer of Bristol spoke in favor of the motion.

Mr. Coutermarsh of Lebanon requested a division vote.

A division vote being taken and being manifestly in the affirmative, House Bill No. 423 was indefinitely postponed.

Mr. Willey of Campton called for the Special Order on House Bill No. 200, An Act relative to state aid for nursing education.

The question being on the committee amendment.

Mr. Willey of Campton moved that House Bill No. 200 be referred to the Committee on Education and spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and House Bill No. 200 was referred to the Committee on Education.

Resolutions

Messrs. Habel and Cormier of Somersworth offered the following resolutions:

Whereas, the General Electric Company of Somersworth has manufactured its ten millionth magnetic suspension type meter, and

Whereas, this milestone of progress is being celebrated this week with suitable ceremonies, and

Whereas, General Electric has established a firm reputation for good citizenship and cooperation in the City of Somersworth and in the state, and

Whereas, it is fitting that the State of New Hampshire express its gratitude and well wishes to the General Electric Company of Somersworth for its splendid record of employment, therefore be it

Resolved, by the House of Representatives of the General Court of New Hampshire through the Somersworth Delegation that we congratulate this General Electric Company on its accomplishments and extend our best wishes for its success in the future, and be it further

Resolved, That the Clerk of the House transmit to this Company a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

Mrs. Brown of Sandwich moved that the order whereby Senate Bill No. 91, An Act relative to powers of school districts, was referred to the Committee on Education be vacated and the bill referred to the Committee on Municipal and County Government.

On a *viva voce* vote the motion prevailed.

Appointment of Temporary Attaches

Mrs. Fontaine of Berlin, Doorkeeper.

Mr. DeMain of Salem Depot and Mr. Carr of Newport as pages.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 105, An Act relative to group life insurance limits — model definition.

Amend section 1 and section 2 of the bill by adding to each of said sections the words:

Annual compensation may be determined in units of any amount not exceeding \$1,000.00 each, and a fraction of any

such unit may be treated as a full unit for purposes of determining annual compensation under this section.

On motion of Mr. Goode of Manchester the House concurred in the Senate amendment.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 125, An Act relating to care of the blind.

Introduction of a Senate Bill

Senate Bill No. 125, An Act relating to care of the blind, was read a first and second time and referred to the Committee on Judiciary.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 11 (in new draft), An Act relative to engineering studies for future supplies of water for domestic uses.

House Bill No. 23, An Act providing for appointment of pro tempore members of ballot law commission.

House Bill No. 240, An Act relating to checking accounts of minors.

House Bill No. 459, An Act legalizing the annual town meeting held in the town of Dalton, March 10, 1959.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 161, An Act relating to the Manchester Savings Bank.

Introduction of a Senate Bill

Senate Bill No. 161, An Act relating to the Manchester Savings Bank, was read a first and second time and referred to the Committee on Banks.

Mr. Pillsbury of Manchester moved that the rules of the

House be so far suspended as to dispense with the committee reference on Senate Bill No. 161 and that the bill be placed on third reading and final passage at the present time.

The Clerk read the bill in full.

On a *viva voce* vote the motion prevailed.

Third Reading

Senate Bill No. 161, An Act relating to the Manchester Savings Bank, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Engrossed Bills Report

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 11, An Act relative to engineering studies for future supplies of water for domestic uses.

House Bill No. 23, An Act providing for appointment of pro tempore members of ballot-law commission.

House Bill No. 240, An Act relating to checking accounts of minors.

House Bill No. 459, An Act legalizing the annual town meeting held in the town of Dalton March 10, 1959.

Senate Bill No. 14, An Act relative to abatement of taxes assessed against the Valley Trust Company.

Senate Bill No. 88, An Act relating to motor vehicle fees and municipal permit.

Communication

The following communication was read by the Speaker.

MRS. JOHN FOSTER DULLES
and her family

thank you for your kind expression of sympathy

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority.

House Bill No. 453, An Act relative to limitations on investments of savings banks.

House Bill No. 436, An Act relative to certain islands in great ponds.

Senate Bill No. 143, An Act legalizing the school district meeting held in Lyndeborough on March 12, 1959, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. White of Portsmouth, Ward 4, the House adjourned at 12:43 o'clock.

THURSDAY, JUNE 11, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Reverend William A. Binley, Guest Chaplain from the United Baptist Church of Lakeport.

Eternal God, we thank Thee and praise Thy Holy Name for all Thy goodness to the children of men. Surely, in the discipline of Thy justice and the tenderness of Thy mercies hast Thou led us through storm and calm, through darkness and light, into the promised land of our goodly heritage.

So teach us to enter into our privileges and to accept and discharge our responsibilities, that the light of Thy favor may continue to shine upon us. Especially, wilt Thou bless the Governor of the State of New Hampshire, the General Court and all those who share with them the tasks of government, that with clear understanding, sound judgment, and personal and corporate integrity they may approach the work of this day and bring it to a fruition well-pleasing in Thy sight; through Jesus Christ our Lord. Amen.

Pledge of Allegiance to the Flag

Mr. Varrell of Laconia led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced a group of students from the Sugar Hill School of Lisbon in charge of Mrs. Edgar Clement, courtesy of Mr. Clement of Landaff.

Leaves of Absence

Mrs. Lord of Gilford was granted leave of absence for the day on account of illness.

Mr. Larty of Haverhill was granted leave of absence for the day on account of important business.

Reconsideration

Mr. Miskelly of Keene served notice that on today, or some subsequent day, he will ask that the House reconsider its vote whereby it killed Senate Bill No. 71, An Act relative to the verification of individual savings deposit books.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Kearns of Manchester, House Bill No. 483, An Act providing for an additional appropriation for expenses of the legislature, to the Committee on Appropriations.

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 483 and its reference to committee.

The Clerk read the bill in full.

Mr. Gilman of Farmington spoke in favor of the motion.

On a *viva voce* vote the motion was adopted, and the bill was ordered to a third reading.

By Mr. Hart of Manchester, House Bill No. 484, An Act relative to publication of bids for certain state purchases. To the Committee on Public Works.

By the Committee on Rules (Mr. Tobin of Manchester) House Bill No. 485, An Act relating to suspension of motor vehicle licenses after hearing. To the Committee on Judiciary.

Reports of Standing Committees

Mr. Burrill of Littleton, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 41, An Act providing for adjustments in the so-called legislative mileage table, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Burrill of Littleton, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 95, An Act relative to long service benefits for state employees and officials, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Pickett of Keene moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Pickett of Keene moved that House Bill No. 95 be made a Special Order of Business for 11:01 o'clock on Wednesday next and subsequently withdrew his motion to substitute.

The question before the House is on the Special Order.

Mr. Gilman of Farmington spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mrs. Ayer of Pittsfield, for the Committee on Judiciary, to whom was referred Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 451-A:1, as inserted by section 1 of said bill, by inserting after the word "shall" in the second line the words, at his establishment or repair shop, so that said section as amended shall read as follows: 451-A:1 *For Work*. Any person who maintains an establishment for repair on radio or television equipment who shall at his establishment or repair shop alter, repair or do any work on any such equipment at the request of the owner or legal possessor of such property, shall have a lien upon and may retain the possession of any

such article until the charges for such alteration, repairing or other work have been paid.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Peever of Salem, for the Committee on Judiciary, to whom was referred House Bill No. 144, An Act relative to boiler and pressure vessel inspection, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 277-A:2 paragraph I, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

I. "Boiler" or "boilers" shall mean and include a closed vessel or vessels intended for heating or vaporization of liquids to be used externally to said vessel or vessels, by the application of heat from combustible fuels, electricity or nuclear energy.

Amend RSA 277-A:2, paragraph II, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

II. "Unfired pressure vessel" or "unfired pressure vessels" shall mean a vessel or vessels in which pressure is obtained from an external source or from the application of heat other than from combustible fuels, electricity or nuclear energy.

Amend RSA 277-A:3, paragraph I, sub-section (5) as inserted by section 1 of the bill by striking out said sub-paragraph and inserting in place thereof the following:

(5) Unfired pressure vessels that do not exceed the following volume and pressure limits: (a) five cubic feet in volume and 250 P.S.I. pressure and (b) 1-1/2 cubic feet in volume with no limit on pressure.

Amend RSA 277-A:3, paragraph II sub-section (3) as inserted by section 1 of the bill by striking out the figures "230°" in line three and inserting in place thereof the figures, 250, so that said sub-paragraph as amended shall read as follows:

(3) Hot water heating boilers, or hot water supply boilers, operated at pressures not exceeding one hundred sixty

pounds per square inch gauge, or temperature not exceeding 250°F. which are located in private residences or in apartment houses of less than six families.

Amend RSA 277-A:4, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

277-A:4 *Board of Boiler Rules.* There is hereby created within the department of labor a board of boiler rules consisting of three members who shall be appointed by the governor, one for a term of one year, one for a term of two years, and one for a term of three years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of three years each. The governor may at any time remove any members of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which his predecessor was identified. Of these three appointed members, one shall be a practical steam operating engineer of high pressure boilers and unfired pressure vessels, or any other representative of owners and users of high pressure boilers and unfired pressure vessels within the state, one shall be a representative of a boiler insurance company licensed to do business within the state, and one shall be a mechanical engineer on the faculty of a recognized engineering college within the state or a graduate mechanical engineer having equivalent experience. The board shall elect one of its members to serve as chairman and, at the call of the chairman, or the commissioner of labor, shall meet four times each year at the capital or other place designated by the board. No approval, decision or ruling of the board shall be effective unless supported by the vote of at least two members thereof.

Amend RSA 277-A:10, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

277-A:10 *Deputy Inspectors.* The board may employ deputy inspectors as may be necessary and as justified by receipt of certificate and inspection fees, who shall be responsible to the chief inspector and who shall have had at

time of appointment not less than five years practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, practical steam operating engineer, boiler-maker, or boiler inspector, and who shall have passed the examination provided for in section 12 hereof.

Amend RSA 277-A:16, paragraph II, as inserted by section 1 of the bill, by inserting after the word "vessel" in the second line the word, inspected, so that said paragraph as amended shall read as follows:

II. No inspection certificate issued for an insured boiler or unfired pressure vessel inspected by a special inspector shall be valid after the boiler or unfired pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to carry such insurance.

Amend RSA 277-A:18, as inserted by section 1 of the bill, by inserting at the end of said section the following new paragraph:

The chief inspector shall transfer all fees to the treasurer of the state.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 *Repeal.* RSA 157, relating to steam boilers, is hereby repealed.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Green of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 351, An Act entitled the Uniform Commercial Code, having considered the same, reported the same with the recommendation that the bill be referred to the Judicial Council for study and report.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. Healy of Manchester, Ward 6, for the Committee on Judiciary to whom was referred House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 546:2, paragraph I, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

I. "State" includes a state, territory or district of the United States, including the Commonwealth of Puerto Rico, in which this or a substantially similar reciprocal law has been enacted.

Amend RSA 546:6 paragraph (b), as inserted by section 1 of the bill, by striking out the word "chapter" in the first line and inserting in place thereof the word, act, so that said paragraph as amended shall read as follows:

(b) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any county attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this chapter or would be effective.

Amend RSA 546:12, as inserted by section 1 of the bill, by inserting after the words "department of" in the second line the word, public, so that said section as amended shall read as follows:

546:12 *Officials to Represent Petitioner.* The county attorney, upon the request of the court, the department of public welfare, a county commissioner, or overseer of public welfare, shall represent the petitioner, in any proceeding under this chapter.

Amend RSA 546:23, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

546:23 *Rules of Evidence.* Except as herein otherwise provided in any hearing under this chapter, the court shall be bound by the same rules of evidence applicable to marital proceedings.

Mr. Crosby of Hillsborough moved that reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Crosby of Hillsborough, for the Committee on Judiciary to whom was referred House Bill No. 379, An Act relative to committee assignments for certain members of the House of Representatives, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Willey of Campton moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke against the motion.

Mr. Bennett of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Bradley of Thornton spoke in favor of the motion.

Mr. Green of Manchester spoke against the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth and Mr. Gilman of Farmington spoke against the motion.

On a *viva voce* vote the motion to substitute was lost.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *New Chapter*. Amend RSA by inserting after chapter 443 the following new chapter:

Chapter 443-A

Sale of Animals and Birds

443-A:1 *License Required*. No person, firm or corporation shall engage in the business of selling to the public live animals or birds customarily used as household pets unless the premises on which they are displayed for sale or sold are duly licensed for that purpose by the department of agriculture of the state of New Hampshire.

443-A:2 *Licenses.* Applications for licenses shall be made annually in writing to the department of agriculture accompanied by a license fee of ten dollars. After January 1, the license fee shall be five dollars. If after inspection such department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, a license shall be issued. Licenses shall expire on June 30th following issue, and may be renewed on application to the department of agriculture accompanied by a renewal fee of ten dollars. Such licenses shall be in the form prescribed by the state department of agriculture and shall be publicly displayed at the premises covered thereby. Each such license shall be subject to revocation at any time by the department of agriculture if in the judgment of such department the conditions under which it was issued are not being maintained. All license fees shall be deposited in the state treasury to the account of the department of agriculture to be used for the enforcement of this act.

443-A:3 *Prohibition.* No licensee hereunder shall offer for sale or sell any maimed, sick or diseased animal or bird or treat inhumanely any animal or bird in his care or possession.

443-A:4 *Rules and Regulations.* The state department of agriculture is authorized to promulgate rules and regulations relative to the care of animals and birds kept for sale or otherwise displayed. Said regulations shall also include health precautions in case of birds and animals which are offered for sale, kept or otherwise exhibited in stores where foods or drink of any kind are sold, prepared, or served.

443-A:5 *Information to be Furnished.* Any person, firm or corporation selling, keeping for sale animals or birds as herein provided shall furnish the state department of agriculture such information relative to same as may be required by said department.

443-A:6 *Exception.* The license provisions of this chapter shall not apply to breeds of dogs licensed under the provisions of RSA 466:6.

443-A:7 *Inspections.* Inspections of all premises as described in 443-A:1 shall be made, at reasonable times, but in

no case less frequently than every six months. Any duly appointed agent of any humane society or S.P.C.A. incorporated in the state of New Hampshire or an official representative of the department of agriculture may make said inspections at any reasonable time.

443-A:8 *Penalty.* Any person, firm or corporation violating any of the provisions of this chapter shall be fined not exceeding the sum of one hundred dollars, or imprisoned not exceeding thirty days, or both such fine and imprisonment.

2 *Takes Effect.* This act shall take effect July 1, 1959.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Taken from the Table

Senate Bill No. 39, An Act relating to the banking department, was taken from the table.

The question is on the amendment as offered by the committee.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Reconsideration

Mr. Miskelly of Keene called for reconsideration at the present time on Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

Mr. Dutton of Peterborough spoke in favor of the motion.

On a *viva voce* vote the motion to reconsider prevailed.

Mr. Dutton of Peterborough moved that Senate Bill No. 71 be recommitted to the Committee on Banks.

On a *viva voce* vote the motion prevailed.

Mr. Chandler of Bartlett moved that the rules of the House be so far suspended as to allow consideration of a report not previously advertised in the Journal and subsequently withdrew his motion.

Personal Privilege

Mr. Green of Manchester rose on a point of personal privilege.

(discussion ensued)

Mr. King of Manchester rose on a point of personal privilege.

Mr. Chandler of Bartlett moved that the rules of the House be so far suspended as to permit consideration of House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air, not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mrs. Gordon of Jaffrey, for the Joint Committees on Aviation and Ways and Means, to whom was referred House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place the following:

1 *Fee Imposed.* Amend RSA 422 by adding at the end thereof the following new sections: 422:43 *Service Fee on Carriers.* Every person, firm or corporation engaged in this state, whether in interstate or intrastate operations, in the business of common carrier of passengers for hire by aircraft on a regular schedule, hereinafter in this section referred to as a passenger carrier by aircraft, who uses in connection with such business a public landing area or areas constructed, operated or maintained, in whole or in part, through or with funds contributed by the state, shall pay a service fee of one dollar with respect to each passenger emplaning upon its aircraft at any such landing area. Each passenger carrier by aircraft subject to the provisions hereof shall file with the commission, upon a form prescribed by the commission, on or before the fifteenth day of each month, a return showing the number of passengers for hire emplaning upon the aircraft of such passenger carrier by aircraft at each such landing area during the preceding calendar month, together with such other pertinent information as the commission shall require, and shall remit with the return the service fees imposed hereby. Upon audit of the return the commission shall forward the service fees to the state treasurer who shall cover the same into the aeronautical fund established by RSA 422:42. Nothing herein shall prevent a passenger carrier by aircraft from collecting, directly or indirectly, the service fee payable with respect to each passenger from such passenger. If any person, firm or corporation subject to the

provisions of this section shall fail or neglect to pay the fees imposed thereby, the same may be collected by the attorney general through civil proceedings in any appropriate tribunal.

422:44 *Carriers Under Contract or By Charter.* Every person, firm or corporation, engaged in this state, whether in interstate or intrastate operations, in the carriage of passengers by aircraft for hire on a contract or charter basis, hereinafter in this section referred to as a passenger carrier by aircraft under contract, who uses in connection with such business a public landing area or areas constructed, operated or maintained, in whole or in part, through or with funds contributed by the state, shall pay a service fee of one dollar with respect to each passenger emplaning upon its aircraft at any such landing area. Such fees shall be collected by or under the supervision of the airport manager. The airport manager shall report, upon a form prescribed by the commission, and at such intervals as the commission may direct, the number of passengers with respect to whom the fees hereby imposed is payable, and shall remit said fees to the commission for disposition as provided in the preceding section; and shall furnish such further information as the commission may direct. The provisions of RSA 422:43 relative to the collection of fees from passengers shall be applicable to passenger carriers by aircraft under contract.

422:45 *Constitutionality.* If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect thirty days after its passage.

The question being on the amendment as printed in the Journal of June 10.

Mr. Chandler of Bartlett explained the amendment and spoke in favor of the bill as amended.

(discussion ensued)

Mr. Pickett of Keene requested that Mr. McCullough of Keene yield to a question.

Mr. McCullough yielded and the Speaker recognized Mr. McCullough.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Messrs. Deans of Milford, Coutermarsh of Lebanon and Mrs. DeLude of Unity spoke in favor of the motion.

Mr. Chandler of Bartlett spoke a second time in favor of the motion.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Senate Message

The Senate message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith.

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges.

Introduction of Senate Bills

The following Senate bills were severally read a first and second time, laid on the table, and referred as follows:

Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith, to the Committee on Executive Departments and Administration.

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges, to the Committee on Public Works.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans Association.

House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlbert.

House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macey.

House Bill No. 228, An Act relative to the valuation of life insurance policies.

House Bill No. 239, An Act providing for special non-resident student hunting licenses.

House Bill No. 255, An Act to extend the season for taking raccoons.

House Bill No. 329, An Act relative to debt limits of municipalities for purchase of parking meters.

House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls.

House Bill 441, An Act to enlarge the advisory committee on shore fisheries.

House Bill No. 298, An Act relative to the payment of claims arising out of activities of the national guard.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments to the following entitled bills:

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage.

Senate Bill No. 140, An Act relating to witnesses in criminal cases.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only and that when the House adjourns to-day it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 483, An Act providing for an additional appropriation for expenses of the legislature.

House Bill No. 144, An Act relative to boiler and pressure vessel inspection.

House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act.

House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds.

House Bill No. 447, An Act imposing a service fee of common carriers of passengers by air.

The following Senate Bills were read a third time, passed, and sent to the Senate for concurrence in the House amendments.

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines.

Senate Bill No. 39, An Act relating to the banking department.

Reconsideration

Mrs. Whipple of Lebanon asked that the House reconsider its vote whereby it passed House Bill No. 447 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. White of Portsmouth, Ward 5, the House adjourned at 12:41 o'clock.

TUESDAY, JUNE 16, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Light of the world, we turn to Thee for guidance, comfort and strength amid the uncertainty, conflict and confusion of daily existence. Hear Thou our prayer, that individually and in affairs of state we may be directed by Thee: —

Lead, kindly Light, amid th'encircling gloom.

Lead thou me on.

The night is dark, and I am far from home, —

Lead thou me on.

Keep thou my feet;

I do not ask to see. . . .

The distant scene, —

One step enough for me.

(John Henry Newman)

May we be led in paths of righteousness and in the constancy of faith. Amen.

Pledge of Allegiance to the Flag

Mrs. Gagnon of Berlin led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Hambleton of Goffstown was granted leave of absence for the week on account of important business.

Mr. Thompson of Franklin was granted leave of absence for the day on account of illness.

Mr. Comi of Concord was granted leave of absence for the week on account of illness.

Guest of the House

Mr. Samuel Leshaw of New York was present in the House as guest of his brother-in-law, Mr. Green of Manchester.

Introduction of a Bill

The following bill was introduced, read a first and second time and referred as follows:

By Mr. Plourde of Pembroke, House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age without payment of fee. To the Committee on Fish and Game.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously considered by the Rules Committee and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

House Bill No. 487, An Act relative to forms and rules of the Probate Courts, was introduced, read a first and second time, and referred to the Committee on Judiciary.

Mr. Green of Manchester moved that the rules of the House be further suspended as to dispense with the printing and committee reference of House Bill No. 487, and that the bill be put on third reading and final passage at the present time.

(discussion ensued)

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 487, An Act relative to forms and rules of the Probate Courts, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Gilman of Farmington served notice that today, or some subsequent day, he will ask the House to reconsider its vote whereby it passed House Bill No. 144, An Act relative to boiler and pressure vessel inspection.

Reports of Standing Committees

Mr. Eastman of Weare, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 112, An Act relative to salaries of state employees, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Eastman of Weare, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 135, An Act to provide for group hospitalization benefits covering state employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

Under the rules House Bill No. 135 was referred to the Committee on Appropriations.

Mr. Eastman of Weare, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 157, An Act relative to the Civil War Centennial Commission, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Eastman of Weare, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 199, An Act to establish time and one-half for overtime work performed by trade classifications employees in the department of public works and highways, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 99-B:2 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

99-B:2 *Overtime Work.* Employees assigned to the various highway patrol crews in the department of public works and highways shall, during the period from November 1 through March 31 each year, in addition to their regular compensation, be paid at the rate of time and one-half on a minute basis for all time worked in excess of eight hours during any one day. Such a day shall be defined as beginning at the time a man is required to report for duty and shall end at the time of final release.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted.

Mr. McMeekin of Haverhill explained the bill at the request of Mr. Pillsbury of Manchester.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Eastman of Weare, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 452, An Act providing for salaries of classified state employees and salaries of unclassified state employees, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Snow of Gilmanton moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate."

Mr. McMeekin of Haverhill moved that House Bill No. 452 be referred to the Committee on Appropriations and spoke in favor of the motion.

Mrs. DeLude of Unity and Messrs. Pillsbury of Manchester, Snow of Gilmanton, Kearns of Manchester and Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Chase of Durham, for the Committee on Education, to whom was referred Senate Bill No. 127, An Act relating to the educational expenses of minors, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Malley of Somersworth Mrs. Brown of Sandwich explained the bill.

(discussion ensued)

Mr. Bradley of Hanover further explained the bill.

Mr. Deans of Milford moved that Senate Bill No. 127 be referred to the Committee on Judiciary.

(discussion ensued)

Mrs. Brown of Sandwich and Mr. Geisel of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Johnson of Rochester, for the Committee on Insurance to whom was referred Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Goode of Manchester explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Daniel of Manchester, for the Committee on Military and Veterans Affairs to whom was referred Concurrent Resolution memorializing Congress relative to adequate pensions for all veterans of World War I, having considered the same, reported the same with the following amendment, and the recommendation that the Concurrent Resolution as amended ought to pass.

Amend said Concurrent resolution by striking out the words "*Whereas* the United States has been and is aiding many foreign countries in restoring their economy; and

Whereas, such aid has been and is being extended not only to our former co-belligerents but also to nations with which we formerly were at war; and" so that said Concurrent resolution as amended shall read as follows:

Whereas the national policy of the United States has been and is to honor the veterans of the wars of the United States by granting assistance to them in their declining years, either by pension or otherwise; all in consideration of their military services in defense of our country; and

Whereas the veterans of World War I of the United States have attained an age of approximately sixty-three years; and

Whereas there has been no general pension granted to veterans of that war by the United States; and

Whereas a grateful nation's reward to its defenders who followed the colors was a mere pittance of pay, now therefore be it

Resolved, That the General Court of the State of New Hampshire memorializes the Congress of the United States to take action to provide adequate pensions for all veterans of World War I, and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the New Hampshire delegation in Congress.

The Clerk read the amendment in full.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

Reconsideration

Mr. Crosby of Hillsborough moved that the House reconsider its vote whereby it passed House Bill No. 144, An Act relative to boiler and pressure vessel inspection, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough moved that House Bill No. 144 be placed on second reading at the present time and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill was referred to the Committee on Appropriations.

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to permit the introduction of House Bill No. 488, An Act to reimburse innocent depositors of Valley Trust Company for losses suffered, not previously considered by the Rules Committee and spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it refused to allow the introduction of House Bill No. 448 and spoke in favor of the motion.

Mr. Geisel of Manchester spoke in favor of the motion.

(discussion ensued)

Mrs. Frizzell of Charlestown spoke against the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene withdrew his motion for reconsideration.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 307, An Act adopting the uniform estate tax apportionment act.

House Bill No. 428, An Act increasing the general penalty for motor vehicle violations.

Resolutions

Mr. Bennett of Keene offered the following resolutions:

Whereas, Joseph Kershaw of Swanzey, doorkeeper, is ill, and

Whereas, he also served as a member of the House of Representatives from his town in past sessions, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, do hereby express our sympathy to him in his illness, and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mr. Kershaw.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that Mr. Junkins and Mrs. Junkins of Hampton were the proud parents of a daughter born Monday, June 15th.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00

o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 157, An Act relative to the Civil War Centennial Commission.

Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon.

House Bill No. 199, An Act to establish time and one-half for overtime work performed by trade classifications employees in the department of public works and highways, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Cross of Portsmouth the House adjourned at 12:16 o'clock.

WEDNESDAY, JUNE 17, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Creator of man, we invoke the spirit of creative imagination and patient understanding on these men and women who legislate the affairs of our Granite State. May they be blessed with the determination to create laws according to their best insights and in harmony with their individual integrity. Grant, O Lord, that our Governor may be helped by Thee in his important labors. Let Thy spirit be reflected in the words and deeds of all of us, and may we continue in Thy praise and worship. Amen.

Pledge of Allegiance to the Flag

Mrs. Frizzell of Charlestown led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair announced that a group of officers of the Stratford County Democratic Study Club were guests of the House today, courtesy of Mrs. Hartigan of Rochester.

Leaves of Absence

Mr. Thompson of Franklin was granted a leave of absence for today and Thursday on account of illness.

Mr. Downing of Newport was granted leave of absence for today and Thursday on account of important business.

Introduction of a Bill

By Mr. Gilman of Farmington, House Bill No. 488, An Act to reimburse innocent depositors of Valley Trust Company for losses suffered, was introduced, read a first and second time and referred to the Committee on Judiciary.

Reports of Standing Committees

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred Senate Bill No. 30, An Act relating to deposits of public funds, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the words "and the state tax commission" in the twenty-first line and by striking out the words "upon such terms as shall be approved by the state tax commission" in the twenty-second and twenty-third lines so that said section as amended shall read as follows:

3 *Town Funds.* Amend RSA 41:29 by striking out said section and inserting in place thereof the following:

41:29 *Duties.* The town treasurer shall have the custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen. He shall deposit the same in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations in value at least equal to the amount of the deposit in each case. The

amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. He shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he may with the approval of the selectmen invest the same in short term obligations of the United States.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks, to whom was referred Senate Bill No. 138, An Act relative to a building and loan association or co-operative bank changing its name, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Maloomian of Somersworth, for the Committee on Insurance, to whom was referred House Bill No. 473, An Act relative to group life insurance, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. MacIsaac of Laconia explained the bill.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Plourde of Pembroke, for the Committee on Public Works, to whom was referred Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the state, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Galloway of Walpole explained the bill.

Under the Rules, Senate Bill No. 119 was referred to the Committee on Appropriations.

Mr. Fortier of Berlin, for the Committee on Public Works, to whom was referred Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

Mr. Monahan of Hanover explained the resolution.

(discussion ensued)

Mr. Bradbury of Claremont spoke in favor of the resolution.

Under the Rules, House Joint Resolution No. 34 was sent to the Committee on Appropriations.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred Senate Bill No. 92, An Act relative to membership on the council on resources and development, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

The Chair called for the Special Order on House Bill No. 95, An Act relative to long service benefits for state employees and officials.

The question being on the resolution of the committee that House Bill No. 95 is inexpedient to legislate.

Mr. McMeekin of Haverhill moved that House Bill No. 95 be recommitted to the Committee on Executive Departments and Administration and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Engrossed Bills Report

Mr. Newell of Concord, for the Committee on Engrossed Bills to whom was referred House Bill No. 105, An Act rela-

tive to group life insurance limits, model definition, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1 *Group Life Insurance Limits.* Amend paragraph (d) of RSA 408:15 (1) (supp) as amended by 1955, 79 by striking out said paragraph and inserting in place thereof the following: (d) The

The Clerk read the amendment in full.

On motion of Mr. MacIsaac of Laconia the House concurred in the amendment sent down by the Engrossed Bills Committee.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 381, An Act relative to airway tolls.

Amend section 1 of the bill by adding in line 7 after the word "aircraft" the words, except, that when such motor fuel or fuel is sold to and used in the propulsion of jet, turbo jet, or turbine propellered aircraft, the airways toll shall be two cents per gallon, so that said section as amended shall read as follows:

1 *Airways Toll.* Amend RSA 422:39 by striking out the words and figures "chapter 265:2 (II), RSA" in the third line and inserting in place thereof the words and figures, chapter 265, RSA, so that said section as amended shall read as follows: 422:39 *Airways Toll.* There is hereby imposed an airways toll of four cents per gallon upon the sale of each gallon of motor fuel or fuel as defined in chapter 265, RSA, sold to and used in, the propulsion of aircraft, except, that when such motor fuel or fuel is sold to and used in the propulsion of jet, turbo jet, or turbine propellered aircraft, the airways toll shall be two cents per gallon. The airways toll shall be subject to the exemptions provided for government sales by chapter 265:4,

RSA. The amount of motor fuel or fuel sold to and used in the propulsion of aircraft shall be determined by, and the toll shall be collected by, the commissioner of motor vehicles, under the authority and procedure established by the provisions of chapter 265, RSA, and the commissioner of motor vehicles may further promulgate and establish such additional rules, regulations and procedures as he may deem necessary in the collection and allocation of the airways toll provided herein. In the case of sales of fuel, the airways toll shall be collected at the time of the sale of such fuel and payment made to the commissioner in the same manner as in the case of motor fuel. The commissioner shall pay monthly to the state treasurer all revenue collected in accordance with the foregoing provisions.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mr. Chandler of Bartlett explained the amendment.

(discussion ensued)

Mr. Chandler of Bartlett moved that the House non-concur in the amendment sent down by the Senate and that a committee of conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed Mr. Chandler of Bartlett, Mr. Henry of Concord and Mr. Pickett of Keene as conferees on the part of the House.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 449, An Act relative to allowances for mileage for members of the general court from Concord.

Amend section 1 of said bill by inserting after the number "9" in line five thereof the words, and attaches of the general court residing in Wards 2 to 9 of the City of Concord, so that the bill as amended shall read as follows:

1 *Representatives from Concord.* Amend RSA 14 by inserting after section 17 the following new section: 14:17-a *Mileage Allowance.* Notwithstanding the provisions of sec-

tions 15, 16 and 17 the mileage allowed members of the general court representing the city of Concord from Wards 2 to 9, and attaches of the general court residing in Wards 2 to 9 of the City of Concord, shall be based upon a distance of six miles for a one-way trip. Such provisions in the standard mileage table as set mileage distances for the said Ward 2 to 9 of the city of Concord are hereby repealed.

The Clerk read the amendment in full.

On motion of Mr. Mannion of Concord the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law.

Amend said bill by striking out sections 1 and 2 of said bill and inserting in place thereof the following:

1 *Workmen's Compensation.* Amend paragraph I of RSA 281:2 (supp) as amended by 1957, 187:1 by striking out the word "five" in the third line and inserting in place thereof the word, three, and by inserting after the word "state" in line eleven the following new words, for the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and by-laws of a corporation shall not be considered to be employees, provided that such executive officers in excess of three shall be counted as employees, so that said paragraph as amended shall read as follows: I. Employer, means a person, partnership, association, corporation and the legal representative of a person, partnership, association or corporation, who employs three or more persons, whether in one or more trades, businesses, professions or occupations, and whether in one or more locations, except casual employees, farm labor and domestic service. In determining the number of persons employed there shall be included persons whose contract of employment was entered into outside the state, if they are actually employed on work in this state for the purpose of determin-

ing the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and by-laws of a corporation shall not be considered to be employees, except that such executive officers in excess of three shall be counted as employees. Any other employer may elect to accept the provisions of this chapter in accordance with sections 3 and 7.

2 *Employee.* Amend paragraph II of RSA 281:2 by adding at the end thereof the following, except as provided in paragraph I above: Every executive officer elected or appointed and empowered in accordance with the charter and by-laws of a corporation subject to the provisions of this chapter shall be an employee of such corporation under this chapter, so that said paragraph as amended shall read as follows: II. Employee, shall mean any person in the service of an employer subject to the provisions of this chapter under any contract of hire, express or implied, oral or written, except employees employed in farm labor or as domestic servants, and except railroad employees engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act, except as provided in paragraph I above. Every executive officer elected or appointed and empowered in accordance with the charter and by-laws of a corporation subject to the provisions of this chapter shall be an employee of such corporation under this chapter.

Amend section 15 of said bill by striking out the same and inserting in place thereof the following new section:

15 *Takes Effect.* This act shall take effect on July 1, 1959 except for section 1 thereof which shall take effect on September 1, 1959.

On motion of Mr. Angus of Claremont reading of the amendment was dispensed with.

Mr. Angus of Claremont moved that the House non-concur in the amendments sent down from the Senate and that a Committee of conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed Mr. Angus of Claremont, Mr. Lacasse of Berlin and Mr. Saltmarsh of Concord as conferees on the part of the House.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives.

Senate Bill No. 96, An Act increasing the membership of the military staff of the Governor.

Introduction of a Senate Bill

Senate Bill No. 96, An Act increasing the membership of the military staff of the Governor, was introduced, read a first and second time and referred to the Committee on Military and Veterans' Affairs.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 487, An Act relating to forms and rules of the probate courts.

House Bill No. 302, An Act relating to the confidential nature of adoption records and proceedings.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March, 1959.

Introduction of a Senate Bill

Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March 1959, was read a first and second time and referred to the Committee on Municipal and County Government.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments sent up from the House of Representatives to the following entitled bill:

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines.

Resolutions

Mr. Edson of Lebanon offered the following resolutions:

Whereas, George H. Beard, Representative from Lebanon, is ill, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, express our sympathy to our fellow member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Beard a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

Communication

The Chair read the following communication.

To thank you for your kindness and sympathy at a time when it was deeply appreciated.

The family of Harold L. Jones.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

House Bill No. 473, An Act relative to group life insurance, was read a third time, passed, and sent to the Senate for concurrence.

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 138, An Act relative to a building and loan association or cooperative bank changing its name.

Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford.

Senate Bill No. 92, An Act relative to membership on the council on resources and development.

Senate Bill No. 30, An Act relating to deposits of public funds, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

On motion of Mrs. Roulston of Salem the House adjourned at 11:55 o'clock.

THURSDAY, JUNE 18, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

"Who shall ascend into the hill of the Lord, or who shall stand in his holy place? He that hath clean hands, and a pure heart: who hath not lifted up his soul unto vanity, nor sworn deceitfully. He shall receive the blessing from the Lord, and righteousness from the God of his salvation." (Psalm 24:3-5)

O God, who art to us Guide and Counsellor, turn us to ways of greater righteousness and nobler blessedness when in the pressures and inconveniences of daily living we are tempted to take moral short-cuts. Help us to keep our minds on the ethical and spiritual truths that may serve to buttress us in our moments of human weakness. We would come to the end of each day, if not with clean hands and a pure heart, yet, with having labored sincerely and diligently for the blessing of a righteous life. Amen.

Pledge of Allegiance to the Flag

Mr. Varney of Rochester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair announced the following as guests of the House today:

Mrs. William Palfrey of Portsmouth and Robert J. Gilbert of Bar Harbor, Maine, as guests of Mrs. Dondero of Portsmouth.

Leaves of Absence

Messrs. Gilman of Farmington and Taft of Greenville were granted leaves of absence for the day on account of important business.

Introduction of Bills

The following bills and House Joint Resolutions were introduced, severally read a first and second time, laid on the table for printing and referred as follows:

By Mr. Gilman of Farmington, House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook. To the Committee on Judiciary.

By Committee on Rules (Mr. Pillsbury of Manchester), House Bill No. 490, An Act relative to extension of appropriations for state aid for nursing education, and administration expenses. To the Committee on Appropriations.

By Committee on Rules (Mrs. Brown of Sandwich and Mr. Bradley of Thornton), House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton. To the Committee on Public Works.

By Committee on Rules (Mr. Gove of Concord), House Joint Resolution No. 53, Joint Resolution in favor of Catherine M. Zonghi. To the Committee on Appropriations.

By Committee on Rules (Mr. O'Shan of Laconia), House Joint Resolution No. 54, Joint Resolution in favor of the estate of Henry I. Burbank. To the Committee on Claims.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 54.

On a *viva voce* vote the motion was adopted.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 490.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Standing Committee Reports

Mrs. Gagnon of Berlin, for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 10, An Act relating to the operation of motor vehicles for emergency, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Gagnon of Berlin, for the Committee on Executive Departments and Administration to whom was referred Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following new section:

2. *Additional Powers.* Amend RSA 154:30-g (supp) as inserted by 1957, 227:1 by inserting immediately following the same the following new section: 154:30-h *Gifts.* A district fire mutual aid system may receive, hold and use gifts, bequests and devises, either outright or in trust, for purposes consistent with this subdivision.

Further amend said bill by re-numbering section 2 to read section 3.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Sanborn of Hampton Falls, for the Committee on Insurance to whom was referred House Bill No. 463, An Act to authorize the institution of an individual insurance payroll deduction plan for the benefit of employees of the state government, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Christiansen of Berlin, for the Special Committee consisting of the Members from the City of Berlin to whom was referred House Bill No. 481, An Act providing a retirement system for employees of the city of Berlin, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate Message announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 93, An Act relative to trespassing on land of another and at race tracks and defining cultivated land.

Senate Bill No. 144, An Act relative to forms of motor vehicle permits.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time, and referred as follows:

Senate Bill No. 93, An Act relative to trespassing on land of another and at race tracks and defining cultivated land. to the Committee on Judiciary.

Senate Bill No. 144, An Act relative to forms of motor vehicle permits, to the Committee on Executive Departments and Administration.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 151, An Act relative to the Laconia board of education.

House Bill No. 487, An Act relating to forms and rules of the probate courts.

Report of Committee on Engrossed Bills

Mrs. Johnson of Monroe and Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolutions:

House Bill No. 228, An Act relative to the value of life insurance policies.

House Bill No. 239, An Act providing for special non-resident student hunting licenses.

House Bill No. 255, An Act to extend the season for taking raccoons.

House Bill No. 298, An Act relative to the payment of claims arising out of activities of the National Guard.

House Bill No. 307, An Act adopting the uniform estate tax apportionment act.

House Bill No. 329, An Act relative to debt limits of municipalities for purchase of parking meters.

House Bill No. 343, An Act providing for an increase in the motor vehicle road tolls.

House Bill No. 428, An Act increasing the general penalty for motor vehicle violations.

House Bill No. 441, An Act to enlarge the advisory committee on shore fisheries.

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverage.

Senate Bill No. 140, An Act relating to witnesses in criminal cases.

Senate Bill No. 143, An Act legalizing the school district meeting held in Lyndeborough on March 12, 1959.

Senate Bill No. 161, An Act relative to the Manchester Savings Bank.

Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon.

Senate Bill No. 157, An Act relative to the Civil War Centennial Commission.

House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans Association.

House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlburt.

House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macy.

Reconsideration

Mr. Pickett of Keene moved that the House at this time reconsider its vote whereby it adopted the resolution of the Appropriations Committee that House Bill No. 31, An Act relative to compensation for members of the aeronautics committee, was inexpedient to legislate.

The Clerk read the bill in full.

Mr. Pickett of Keene spoke in favor of the motion.

Miss Loizeaux of Plymouth spoke against the motion.

Mr. Pickett of Keene spoke a second time in favor of the motion.

(discussion ensued)

Mr. King of Manchester spoke against the motion.

(discussion ensued)

Mrs. Davis of Concord spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

The Chair announced that today is the birthday of Mr. Eastman of Exeter.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday at 11:00 o'clock.

Third Readings

Senate Bill No. 10, An Act relating to the operation of motor vehicles for emergency purposes, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

House Bill No. 481, An Act providing a retirement system for employees of the city of Berlin, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Berry of Barrington the House adjourned at 11:52 o'clock.

TUESDAY, JUNE 23, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

God of all aspiring souls, we thank Thee for the light of this day, for its opportunities and privileges. Let every friendly greeting, every conversation directed at goodness and truth, each satisfying blessing of this day remind us of Thy companionship. May we in our own humble ways, in affairs of state and in our private endeavors, seek to co-create with Thee

a world of understanding, of peace, of love where no man's need shall be so great that it shall turn him against his brother, but rather where every son of man may dwell unafraid. Amen.

Pledge of Allegiance to the Flag

Mr. Washburn of Alstead led the Convention in the Pledge of Allegiance to the Flag.

Introduction of a Guest

The Chair introduced Irvin D. Gordon of Marlboro as guest of the Joint Convention as follows:

When Irvin D. Gordon of Marlboro placed 8th in the National Spelling Bee held at Washington, D. C. this month, he completed a long record of participation in the spelling bees jointly sponsored by the Manchester Union Leader and the Elks Lodges of New Hampshire.

In 1956 as a fifth grader he won the school title and was third in the county; in 1957 he won the school and county titles and was sixth in state competition. In 1958 after again winning the school and county titles he became the first seventh grader to win the state championship.

This year as defending Champion he became the first person to win the state title twice. In Washington he out-spelled 62 of the 70 contestants, representing 5,000,000 boys and girls of spelling bee age, and placed 8th in the National Spelling Bee.

House

Introduction of a Guest

The Chair announced that David Putnam, Jr., of Keene, just recently graduated from Exeter Academy and leaving next month for a year in Austria as an exchange student was a guest of the House today, courtesy of Mr. Miskelly of Keene.

Leaves of Absence

Mr. Comi of Concord was granted a leave of absence for the week on account of illness.

Mr. Blair of Epping was granted leave of absence for the day to attend a funeral.

Mrs. Ayer of Pittsfield and Miss Whipple of Lebanon and the Messrs. Kimball of Manchester and Dowd of Concord were

granted leave of absence for the day on account of important business.

Mrs. Ayre of Laconia and Mr. Peaslee of Concord were granted leave of absence for the week on account of important business.

Introduction of a Bill

By Committee on Rules (Mr. Bennett of Keene):

House Bill No. 492, An Act increasing the salary of the justice of the Keene municipal court, was introduced, read a first and second time, laid on the table for printing and referred to the Keene Delegation.

Reports of Standing Committees

Mr. Bigelow of Warner, for the Committee on Claims, to whom was referred House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr. and C. George McClure, Jr., having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 231, An Act relative to school building aid, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Computation of Annual Grant.* Amend RSA 198:15-b (supp) as inserted by 1955, 335:9 and as amended by 1957 301:1 by striking out said section and inserting in place thereof the following: 198:15-b *Amount of Annual Grant.* The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, and any cooperative school district as defined in RSA 195:1, shall be a sum equal to thirty per cent of the amount of the annual payment of principal on all outstanding loans of the school district, city or cooperative district heretofore or hereafter issued for the cost of construction of school buildings, to the extent approved by the state board of education, provided that the amount of the annual grant in the case of a cooperative school district (as

defined in RSA 195:1) shall be forty per cent plus five per cent for each pre-existing district in excess of two, and provided further that no cooperative school district shall receive an annual grant in excess of fifty-five per cent. For the purposes of computing grants hereunder the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve and/or the amount raised by taxation which was actually expended in the construction of the school building divided by the number of years for which bonds or notes were issued to provide funds for such school building. For the purposes of computing grants hereunder the amount of the annual payment of principal shall be reduced by an amount equal to that portion of the consideration, grant or other payment received by a town, school district or cooperative school district from the sale or other disposition of land and/or buildings used or formerly used for public school purposes (or the proceeds of insurance on such buildings) that is not used to help defray the cost of constructing school facilities for which school building aid is sought, divided by the number of years for which bonds or notes were issued to provide funds for such school facilities; provided however that if said consideration, grant or other payment (or the proceeds of insurance) is received after said bonds and notes have been issued, the annual payment of principal shall be reduced by an amount equal to that portion of such consideration, grant or other payment (or the proceeds of insurance) that is not used to help defray the cost of constructing school facilities for which school building aid is sought, divided by the number of years said bonds or notes are to remain outstanding after the fiscal year in which the consideration, grant or other payment (or the proceeds of insurance) is received. For the purposes of this subdivision construction shall include the acquisition and development of the site, construction of a new building and/or additions to existing buildings including alterations providing additional pupil capacity, architectural and engineering fees, purchase of equipment and any other costs necessary for the completion of the building as approved by the state board of education.

The Clerk read the amendment in full.

At the request of Mr. Chandler of Bartlett, Mr. Bradley of Hanover explained the amendment.

(discussion ensued)

The Chair declared that the amendment was material and laid House Bill No. 231 upon the table for printing of the amendment.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1960-1961, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Teachers' Retirement System.* Amend RSA 192 by inserting after section 21 (supp) as inserted by 1957, 48:15, the following new section: 192:22 *Supplemental Allowances Payable.* Any beneficiary who retired prior to July 1, 1957 and who is in receipt of a retirement allowance on January 1, 1960 including any teacher retired under the teachers' retirement system as established by chapter 136, Revised Laws, shall beginning with the month of January, 1960, and monthly thereafter but not beyond the month of December 1960 have his allowance increased in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of December, 1958 bears to the corresponding index for the year in which the member retired; except that in the case of service beneficiaries, such increased retirement allowance shall be at least forty dollars for each year of creditable service at retirement not exceeding thirty years, and in the case of disability beneficiaries, such increased retirement allowance shall be at least thirty-eight dollars for each year of creditable service at retirement not exceeding thirty years. Provided, however, if any such beneficiary has filed an election in accordance with RSA:13 II, his retirement allowance shall be increased for said period only in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of December, 1958

bears to the corresponding index for the year in which the member retired. In the event the retired member is receiving a reduced retirement allowance because of having elected an option, such increased retirement allowance shall be reduced in the same proportion as the retirement allowance prior to optional modification was reduced at retirement. If the beneficiary of a retired member who retired prior to July 1, 1957 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1960, such beneficiary shall be paid beginning with the month of January, 1960 and monthly thereafter but not beyond the month of December, 1960 an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification had he been living on January 1, 1960 as the survivor annuity bears to the full allowance prior to the optional modification of such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the before mentioned provisions the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving, as of December 31, 1959, shall be multiplied by two and the said sum shall be paid to said beneficiary, in twelve monthly installments during the period from January 1, 1960 to December 31, 1960. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

2 *Appropriation.* In order to provide funds for the payment of the supplemental allowances provided under RSA 192:22 as hereinbefore inserted, the sum of seventy-nine thousand eight hundred and fourteen dollars is hereby appropriated for the fiscal year ending June 30, 1960, and the sum of seventy-five thousand, one hundred and sixty-five dollars is hereby appropriated for the fiscal year ending June 30, 1961. The first sum herein mentioned shall be expended by the teachers' retirement system for the payment of supplemental benefits for the period from January 1, 1960 to June 30, 1960, and

the second sum herein mentioned shall be expended by said system for the payment of supplemental benefits for the period from July 1, 1960 to December 31, 1960. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 *Takes Effect.* This act shall take effect as of January 1, 1960.

On a *viva voce* vote the amendment was adopted and House Bill No. 353 was ordered to the Committee on Appropriations under the rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 234, An Act relative to payment of costs in cooperative school districts, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Cooperative School Districts.* Amend RSA 195:7 (supp) as amended by 1955, 344:9 by striking out said section and inserting in place thereof the following: 195:7 *Costs of Capital Outlay and Operation.* During the first five years after the formation of a cooperative school district each pre-existing district shall pay its share of all capital outlay costs and operational costs in accordance with either one of the following formulas as determined by a majority vote of the cooperative district meeting:

I. All such costs shall be apportioned on the basis of the ratio that the equalized valuation of each pre-existing district bears to that of the cooperative district; or

II. One-half of all such costs shall be apportioned on the basis of the ratio that the equalized valuation of each pre-existing district bears to that of the cooperative district and one-half shall be apportioned on the average daily membership for the preceding year.

2 *Change in Apportionment.* Amend RSA 195:8 (supp) as amended by 1955, 334:10 by striking out said section and inserting in place thereof the following: 195:8 *Five-Year Period Reconsideration.* At the expiration of the

first five-year period and at the expiration of each subsequent five-year period the basis for the apportionment of all such costs shall be subject to review, and the cooperative district may then by majority vote elect to apportion all such costs by the adoption of either formula I or formula II, as refined in section 7.

3 *Application.* The provisions of this act shall apply to any cooperative district organized prior to the effective date hereof as well as to such districts hereafter organized.

4 *Takes Effect.* This act shall take effect July 1, 1959.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 230, An Act relative to school building aid for the Newington School District, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Bill No. 231.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Moulton of New Durham, for the Committee on Education to whom was referred House Bill No. 167, An Act relative to education of children of state employees residing on state owned property, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. MacIsaac of Laconia moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Plumer of Bristol spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

(discussion ensued)

Mr. Deans of Milford spoke in favor of the motion.

(discussion ensued)

Mrs. Chase of Concord and Mr. Hart of Manchester spoke in favor of the motion.

Mrs. Brown of Sandwich and Mr. Bradley of Hanover spoke against the motion.

Mr. Hancock of Concord moved that House Bill No. 167 be referred to the Committee on Judiciary and spoke in favor of the motion.

Mr. Gove of Concord spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was not adopted.

The question now being on the motion to substitute "Ought to Pass" for "Inexpedient to Legislate".

On a *viva voce* vote the motion did not prevail.

Mr. Hart of Manchester requested a division vote.

The vote being manifestly in the negative the motion to substitute did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Grimes of Dover, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 95, An Act relative to long service benefits for state employees and officials, having considered the same, reported the same with the recommendation that the bill ought to pass.

The Chair ordered House Bill No. 95 to the Committee on Appropriations under the rules.

Mr. Underhill of Nashua, for the Committee on Liquor Laws, to whom was referred House Bill No. 415, An Act relative to hours for sale of liquor in restaurants, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 415, An Act relative to hours for sale of liquor in restaurants, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

EDWARD E. BROWN.

Mr. Brown of Keene moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Messrs. Charland of Franklin, Underhill of Nashua, Wardwell of Portsmouth and Murch of Portsmouth spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Nickerson of Goffstown spoke in favor of the motion.

(discussion ensued)

Mr. Charland of Franklin spoke a second time against the motion and moved that House Bill No. 415 be indefinitely postponed and spoke in favor of the motion.

Mr. Pickett of Keene spoke against the motion.

The question now being on the motion to indefinitely postpone.

On a *viva voce* vote the Chair was in doubt and requested a division.

The division vote being manifestly in the affirmative House Bill No. 415 was indefinitely postponed.

Mr. Pickett of Keene demanded the Yeas and Nays and after the roll was called for Cheshire County Mr. Pickett withdrew his demand for the Yeas and Nays.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 488, An Act to reimburse innocent depositors of Valley Trust Company for losses suffered, having considered the same, reported the same with the recommendation that the bill be referred to the Justices of the Supreme Court for an opinion as to the constitutionality of the bill.

The Committee further recommends the adoption of the following resolution directing specific questions to the Justices:

Whereas, the House of Representatives has pending before it House Bill No. 488, An Act to reimburse innocent depositors of Valley Trust Company, for losses suffered, and

Whereas, questions have arisen concerning the constitutionality of this legislation, now therefore be it

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Do any provisions of said bill conflict with the constitution of the state of New Hampshire?

2. If the answer to question No. 1 is in the negative would the answer still be in the negative if the bill was amended to include reimbursement of depositors who have suffered losses of funds because of other bank failures in New Hampshire during prior years?

Further Resolved, That the Speaker transmit a copy of this resolution and of House Bill No. 488 to the Clerk of the Supreme Court for consideration by said court.

The Clerk read the questions to be referred to the Supreme Court.

On a *viva voce* vote the resolution was adopted.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook, having considered the same, reported the same with the recommendation that the bill be referred to the Justices of the Supreme Court for an opinion as to the constitutionality of the bill.

The committee further recommends the adoption of the following resolution directing specific questions to the Justices:

Whereas, the House of Representatives has pending before it House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook, and

Whereas, questions have arisen concerning the constitutionality of this legislation, now therefore be it

Resolved, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1 Does any provision of said bill violate any provisions of the constitution of the state of New Hampshire or of the constitution of the United States?

2 If the legislature enacts the above mentioned bill in the emergency described and a branch bank is operated in Penacook, would it be a violation of the constitution of the state for the state government to deny or prohibit the opening of other branch banks in Penacook or in any other town in the state by other banking institutions?

Further Resolved, That the speaker transmit a copy of this resolution and of House Bill No. 489 to the Clerk of the Supreme Court for consideration by said court.

The Clerk read the questions to be referred to the Supreme Court.

On a *viva voce* vote the resolution was adopted.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Eastman of Ashland, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 91, An Act relative to powers of school districts, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit Senate Bill No. 91 to be placed on third reading and final passage by title only, at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 91, An Act relative to powers of school districts, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Reconsideration

Mr. Deans of Milford, having voted with the majority, moved that the House reconsider its vote whereby it passed Senate Bill No. 91 and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to dispense with the reference to committee on House Bill No. 492 and that the bill be placed on third reading at the present time by title only.

The Clerk read the bill in full.

Mr. Pickett of Keene spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Pickett of Keene House Bill No. 492, was referred to the Special Committee consisting of the Keene Delegation.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 426, An Act to increase the fee for teachers' registration with the state board of education.

House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children.

House Bill No. 287, An Act relative to harness race receipts.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 125, An Act relative to taking muskrat.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Fur-bearing Animals.* Amend RSA 210:1 (supp) as amended by 1955, 65:1; 97:1, and 1957, 151:1 by striking out said section and inserting in place thereof the following:

210:1 *Otter, Mink, etc.* Otter, mink, skunk and muskrat may be taken and possessed from October twentieth to

February first in Coos, Carroll and Grafton counties. Otter, mink, skunk and muskrat may be taken and possessed from November first to March thirty-first in all other counties of the state. In addition to the above open seasons, otter may be taken and possessed at any time when and any place where the director has declared an open season as provided in section 5.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Mr. Bisbee of Derry the House concurred in the Senate amendment.

The Senate Message further announced that the Senate has voted to accede to the request of the House of Representatives for a committee of conference on HB 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law.

The President has appointed as members of such committee on the part of the Senate, Senators Bennett and Caron.

Also House Bill No. 381, An Act relative to airways toll. And the President appointed as members of such committee on the part of the Senate, Senators Eaton and Paquette.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 105, An Act relative to group life insurance limits — model definition.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 151, An Act relative to the Laconia Board of education.

House Bill No. 302, An Act relating to the confidential nature of adoption records and proceedings.

House Bill No. 449, An Act relative to allowances for mileage for members of the general court from Concord.

House Bill No. 487, An Act relating to forces and rules of the probate courts.

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines.

Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford.

Senate Bill No. 92, An Act relative to membership on the council on resources and development.

Senate Bill No. 138, An Act relative to a building and loan association or co-operative banks changing its name.

Resolutions

Mr. Blair of Epping offered the following resolutions:

Whereas, Daniel Watson Ladd of Epping has passed away, and

Whereas, He was a former Representative from the town of Epping, President of the New Hampshire Town Clerks' Association and Town Clerk for many years, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, pay tribute to our former fellow member for his services to his town and state, and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Communication

The Chair read the following communication:

West Lebanon, N. H.
June 22, 1959

Hon. Stewart Lamprey
Concord, N. H.

MY DEAR MR. LAMPREY:

It is with deep appreciation I wish to extend to the members of the General Court my sincere thanks for the kind wishes for my speedy recovery.

Very sincerely,

s/ George H. Beard

The Chair announced that last Friday was the birthday of Mrs. Davis of Concord.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of House bill and House Joint resolution be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

The following House bill and House joint resolution were read a third time, passed, and sent to the Senate for concurrence:

House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr., and C. George McClure, Jr.

House Bill No. 234, An Act relative to payment of costs in cooperative school districts.

On motion of Mrs. Blanchette of Dover the House adjourned at 1:18 o'clock.

WEDNESDAY, JUNE 24, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

"Blessed is the man that walketh not in the counsel of the wicked,

Nor standeth in the way of sinners,

Nor sitteth in the seat of scoffers:

But his delight is in the law of the Lord . . ."

(Psalm 1)

O God, in the face of a multitude of opportunities to become involved in ulterior motives and unscrupulous action we rejoice that Thou dost remain a constant resource of counsel and leadership. Daily we would sense the force of Thy spirit within us, seeking to lift us above the commission of things best left undone, above the omission of things that needing to be accomplished we tend to leave undone. Help us neither to compromise our consciences nor to scoff at uprightness, but to find our delight in writing Thy law into the legislation

of our fair State. Let those who tend to ignore Thee be caused to turn to Thee afresh and in Thee find the deepest satisfactions of their days. Let those whose morality lies in pettiness, put aside this escape from the realism of life's major challenges and be about the enacting of sound legislation to the service of man and in reflection of Thy law. Amen.

Pledge of Allegiance to the Flag

Mrs. St. Pierre of Rochester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced Miss Sandra J. Baroody and Miss Linda M. Parenteau as guests of the House, sponsored by Mr. Ecker of Manchester.

Leaves of Absence

Messrs. Kimball of Manchester and Chase of Durham were granted leave of absence for the day on account of important business.

Mr. Poore of Goffstown was granted leave of absence for the day on account of illness.

Reports of Standing Committees

Mr. Bisbee of Derry, for the Committee on Fish and Game to whom was referred House Bill No. 390, An Act relative to taking smelt from Lake Winnepesaukee and Squam lakes, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out said title and inserting in place thereof the following:

An Act relating to taking fresh water smelt and pickerel.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Regulations.* Amend RSA 211 by inserting after section 15 the following new sections: 211:15-a *Fresh Water Smelt.* That section of Smith River above Main Street Bridge in the town of Wolfeboro, county of Carroll, shall be open to

the taking of fresh water smelt; and that section of Squam River between Little and Big Squam Lakes shall be open to the taking of fresh water smelt.

211:15-b *Pickereel*. The daily bag limit for pickerel shall be ten fish not to exceed ten pounds in weight in any one day.

211:15-c *Christine Lake*. Christine Lake in the town of Stark, county of Coos, and its tributaries closed to the taking of fresh water smelt and closed to all ice fishing.

211:15-d *Limitations*. Any regulations of the fish and game director as may be inconsistent with the provisions of sections 15-a, 15-b and 15-c are hereby repealed to the extent of such inconsistencies.

The Chair ordered the amendment printed in the Journal.

Mr. Bisbee of Derry moved that the rules of the House be so far suspended as to dispense with the printing of the amendment.

The Clerk read the amendment in full.

Mr. Bisbee of Derry spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Bisbee of Derry spoke in favor of the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Roberts of Conway, for the Committee on Judiciary, to whom was referred House Bill No. 303, An Act regulating trading stamp companies, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 357-A:3, as inserted by section 1 of the bill, by striking out the words "twenty-five" in the seventh line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: 357-A:3 *Cash Value on Face of Stamps*. No trading stamp company shall distribute trading stamps in this state or shall redeem trading stamps hereafter issued therein unless (a) each stamp has legibly printed upon its face in cents or any fraction thereof a cash value determined by the company, and (b) the rightful holders may, at their option, redeem the stamps in cash when

duly presented to the company for redemption in a number having an aggregate cash value of not less than fifty cents.

Amend RSA 357-A:4, as inserted by section 1 of the bill, by striking out in the first paragraph thereof the word "hereinafter" in the second line and inserting in place thereof the word, hereafter, so that said paragraph as amended shall read as follows: No trading stamp company shall distribute trading stamps in this state or redeem trading stamps hereafter issued therein until it has filed with the secretary of state on or before the effective date of this chapter, and annually thereafter, on or before July 1, the following:

Amend RSA 357-A:4, paragraph II, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following: II. A bond payable to the secretary of state and duly executed by the trading stamp company and a corporate surety qualified to do business in this state, which is conditioned upon the performance by the company of its obligation to redeem trading stamps issued by retailers in this state when they are duly presented for redemption by the rightful holders. Retailers in possession of trading stamps for issuance to their customers shall also be deemed rightful holders entitled to redemption. The principal sum of the bond shall be as follows: If the company has not previously done business as a trading stamp company in this state, or if the company's gross income from such business in the state during its last fiscal year was not in excess of one hundred thousand dollars, ten thousand dollars; for each additional one hundred thousand dollars of gross income from business in this state or fraction thereof, an additional ten thousand dollars; but such bond shall not exceed one hundred thousand dollars. On the effective date of each new bond, all liability on bonds previously filed shall terminate, and all rightful holders of trading stamps who shall prosecute their claims hereunder shall prosecute such claims solely against the new bond and only by filing proofs of claim with the secretary of state in the manner hereinafter provided.

Amend RSA 357-A:4, paragraph III, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following: III. A registration fee equal to one-half of one percent of the face amount of the

bond required under sub-section II above but not in excess of two hundred fifty dollars payable to the secretary of state. The secretary shall retain such fees until he has accumulated a fund of two thousand dollars for his use in defraying any expenses which may be incurred in administering this chapter. This fund shall be reimbursed for such expenditures out of future registration fees, so that the secretary's fund shall maintain a level of two thousand dollars. All fees in excess thereof shall be paid by the secretary to the state treasurer for the use of the state.

Amend RSA 357-A:6, as inserted by section 1 of the bill, by striking out the word "stamps" in the first line and inserting in place thereof the word, stamp, so that said section as amended shall read as follows: 357-A:6. *Cessation of Business*. No trading stamp company shall cease or suspend the redemption of trading stamps in this state without filing with the secretary of state at least ninety days prior written notice of its intention so to do and concurrently mailing a copy of such notice to each retailer within this state which has at any time theretofore within one year issued trading stamps which the company is obligated to redeem.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect*. This act shall take effect January 1, 1960.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Reconsideration

Mr. Varney of Rochester requested that the House reconsider its vote whereby it passed House Bill No. 303.

Mrs. Frizzell of Charlestown explained the bill.

(discussion ensued)

Mr. Varney subsequently withdrew his request for reconsideration.

Mr. Clafin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 445, An Act to provide safety to the patients and occupants of nursing, con-

valescent and old age homes, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. King of Manchester, Mr. Clafin of Wolfeboro explained the bill.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Emerson of Dalton, for the Committee on Public Works, to whom was referred House Bill No. 465, An Act relative to the federal aid highway act of 1956, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a Minority of the Committee on Public Works, to whom was referred House Bill No. 465, An Act relative to the federal aid highway act of 1956, having considered the same, and being unable to agree with the majority, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

ROBERT E. PLOURDE
H. N. MARSH
WILLIAM E. COLBATH
JOHN A. WIRKKALA

The reports were accepted.

Mr. Wirkkala of Lempster moved that the report of the minority "Inexpedient to Legislate" be substituted for the report of the majority "Ought to Pass" and spoke in favor of the motion.

(discussion ensued)

Mr. Galloway of Walpole spoke against the motion.

(discussion ensued)

Mr. Colbath of Dover spoke in favor of the motion.

(discussion ensued)

Mr. Colbath of Dover yielded the floor to Mr. Plourde of Pembroke to answer a question.

(discussion ensued)

Mr. Clement of Landaff moved that House Bill No. 465 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Robinson of Concord spoke against the motion.

(discussion ensued)

Messrs. Bigelow of Warner and Fortier of Berlin spoke against the motion.

Mrs. DeLude of Unity and Mrs. Frizzell of Charlestown and Mr. Plourde of Pembroke spoke in favor of the motion.

The question now being to indefinitely postpone House Bill No. 465.

Mr. Fortier of Berlin requested a division.

The division being manifestly in the affirmative House Bill No. 465 was indefinitely postponed.

Mrs. Davis of Woodsville, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 285, An Act ratifying the northeastern water and related land resources compact, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend Article II of RSA 489-A as inserted by section 1 of the bill by inserting after the word "of" in the third line the words, the United States, so that said article as amended shall read as follows:

Article II

Purpose

It is the purpose of this compact to provide, in the northeastern region, improved facilities and procedures for the coordination of the policies, programs, and activities of the United States, the several states, and private persons or entities, in the field of water and related land resources, and to study, investigate, and plan the development and use of the same and conservation of such water and related land resources; to provide means by which conflicts may be resolved; and to provide procedures for coordination of the interests of all public and private agencies, persons and entities in the field of water and related land resources; and to provide an organization for cooperation in such coordination on both the federal and state levels of government.

Amend Article IX of RSA 489-A as inserted by section 1 of the bill by striking out the words "except as expressly required by this compact" in the sixteenth and seventeenth lines, so that said Article as amended shall read as follows:

Article IX

Other Compacts and Activities

Nothing in this compact shall be construed to impair, or otherwise affect, the jurisdiction of any interstate agency in which any party state participates nor to abridge, impair, or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish, or otherwise affect any obligation assumed under such compact. Nor shall anything in this compact be construed to discourage additional interstate compacts among some or all of the party states for the improvement of natural resources, or the coordination of activities with respect to a specific natural resource or any aspect of natural resource management, or for the establishment of intergovernmental planning agencies in sub-areas of the region. Nothing in this compact shall be construed to limit the jurisdiction or activities of any participating government, agency, or officer thereof, or any private person or agency.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and House Bill No. 285 was ordered to the Appropriations committee under the rules.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 438, An Act providing for the acquisition of certain dams and water rights by the water resources board, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 482-A as inserted by section 1 of the bill by striking out paragraph I and renumbering paragraphs II, III, IV and V to read paragraphs I, II, III and IV. Further amend

the bill by striking out section 2 and inserting in place thereof the following:

2 *Appropriation.* The sum of twenty thousand dollars is hereby appropriated to be expended by the water resources board for purposes authorized by RSA 482-A as hereinbefore inserted. From said appropriation said board is directed to rebuild the state-owned dam controlling Forest Lake, as provided by 482-A:3. The balance of the appropriation made hereunder shall be used to cover the first stages of the work relative to other projects authorized by said chapter. The sums hereby appropriated shall be a continuing appropriation and shall not lapse.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

Mr. Chandler of Bartlett spoke against the amendment.

Mr. Urie of New Hampton spoke in favor of the amendment.

(discussion ensued)

Mr. Pillsbury of Manchester explained his position on the bill.

(discussion ensued)

Mr. Bisbee of Derry spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Deans of Milford offered the following amendment:

Amend RSA 482-A:1 as inserted by section 1 of the bill by inserting at the end of said section the following new paragraphs:

V. Dam and water rights and lands used in connection therewith on the Souhegan river in the town of Milford.

The Clerk read the amendment in full.

Mr. Deans of Milford spoke in favor of the amendment.

Mr. Monahan of Hanover spoke against the amendment.

Mr. Urie of New Hampton spoke in favor of the amendment.

(discussion ensued)

On a *viva voce* vote the Chair was in doubt and requested a second *viva voce* vote.

On a second *viva voce* vote the Chair was still in doubt and requested a division vote.

A division vote being had, 151 members having voted in the affirmative and 125 members having voted in the negative, the amendment was adopted and House Bill No. 438 was ordered to the Committee on Appropriations under the rules.

Reconsideration

Mr. Malley of Somersworth moved that the House reconsider its vote whereby it passed Senate Bill No. 75, An Act relative to political expenditures, and spoke in favor of the motion.

Mr. Gilman of Farmington spoke in favor of the motion.

Mr. Green of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Malley of Somersworth moved that the House reconsider its vote whereby Senate Bill No. 75 was placed on third reading and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Gilman of Farmington offered the following amendment:

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 *Political Expenditures.* Amend paragraph I of RSA 70:4 (supp) as amended by 1955, 273:1 and 1957, 303:2 by striking out all after the sub-paragraph numbered (10) and inserting in place thereof the following sub-paragraph:

In determining whether a candidate has exceeded the sum fixed in this paragraph, no account shall be taken of the following items: The candidate's contribution to the state committee, his filing fee, or his expenditures for personal travel and subsistence expenses, or for services of his regular employees in discharging duties of a public office. The sums fixed in this paragraph shall include all expenditures, contracts therefor, and use of contributions of money or things of value, tangible or intangible, by a candidate or by others, including political committees, in his behalf and with his knowledge during the period of his campaign wherein he or others in his behalf and with his knowledge seek votes for him to and including the date of the primary. The period of "his campaign" as

used herein shall be defined as the period of twelve months next prior to the date of the primary.

2 *Election Report.* Amend RSA 70:6 (supp) as inserted by 1955, 273:1 by striking out said section and inserting in place thereof the following: 70:6 *Major Candidates.* Each candidate at the primary or election for governor, presidential elector, United States senator, representative in congress, delegate-at-large or district delegate to a national party convention, and the fiscal agent designated by the nominators of any candidacy in the presidential preference primary, shall file statements before and after an election in like manner and detail of each receipt and expenditure covering the period of his primary or election campaign, including expenditures, contracts therefor and used contributions made by others on his behalf and with his written consent or that of this fiscal agent; excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. The "period of his primary or election campaign" as used herein shall be defined as the period of twelve months next prior to the date of the primary or election.

The Clerk read the amendment in full.

Mr. Gilman of Farmington explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Danforth of Manchester moved that the order whereby House Joint Resolution No. 52, Joint Resolution providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention, was referred to the Committee on Executive Departments and Administration be vacated and that the joint resolution be referred to the Committee on Judiciary.

On a *viva voce* vote the motion was adopted.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state.

Amend RSA 200-A:4 as inserted by section 1 of said bill by inserting after the word "regional" in the fourth line the words, and/or reciprocal, so that said section as amended shall read as follows:

200-A:4 *Appropriations.* The state of New Hampshire shall biennially appropriate funds for the purpose of contributing to the operational costs at colleges and universities of qualified and accepted New Hampshire residents, pursuant to regional and/or reciprocal agreements and arrangements in the educational field as executed and approved by the New England Board of Higher Education.

Mrs. Brown of Sandwich moved that the House concur in the amendment sent down by the Senate.

At the request of Mr. Pillsbury of Manchester, Mrs. Brown of Sandwich explained the amendment.

(discussion ensued)

On a *viva voce* vote the House concurred in the Senate amendment.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 173, An Act relative to trespass on private property and authority of fish and game commissioner to temporarily close areas to fishing.

House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income.

House Bill No. 364, An Act establishing the humane slaughter law.

House Bill No. 483, An Act providing for an additional appropriation for expenses of the Legislature.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments to the following entitled bills:

Senate Bill No. 30, An Act relative to deposits of public funds.

Senate Bill No. 39, An Act relating to the banking department.

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled Senate bill:

Senate Bill No. 91, An Act relative to powers of school districts.

Resolutions

Mr. Oliver of Marlborough offered the following resolutions:

Whereas, we have had as a guest upon our rostrum Irving Gordon of Marlborough, and

Whereas, this young man has outspelled all his competitors in this state and was in eighth place in the national contest, therefore be it

Resolved, That we, the members of the New Hampshire House of Representatives in General Court convened, do hereby extend to this young man our most sincere congratulations for his distinctive representation of our state and our best wishes for his future winning, and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk to Irving Gordon.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that Mr. Mulaire of Hooksett was celebrating his 69th birthday today.

The Chair also announced that today is the 51st wedding anniversary of Mr. and Mrs. Lafrance of Manchester.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 390, An Act relative to taking fresh water smelt and pickerel.

House Bill No. 303, An Act regulating trading stamp companies.

Senate Bill No. 75, An Act relative to political expenditures, was read a third time, passed and sent to the Senate for concurrence in the House amendment.

On motion of Mrs. Richardson of Dover the House adjourned at 1:33 o'clock.

THURSDAY, JUNE 25, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Inspirer of human hearts, we, who lack the sanctity of saints, the courage of martyrs and the wisdom of sages, look to Thee for help in the performance of this day's labors.

Grant unto us such sanctity of high purpose that we shall be blessed in our work by the sincerity of our endeavors. Give us sufficient courage to repel the urge to flee from the perplexing problems of this day, that we may contend with the challenges which are rightly ours.

Finally, O Lord, bless us with that blend of wisdom and righteous action that will enable us so to fulfill our duties that we may rest with peace at the end of the day's labor. Amen.

Pledge of Allegiance to the Flag

Mr. Bragg of Lancaster led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced Mrs. Silsby, Representative to the Vermont Legislature from Lunenburg, Essex County as guest of the House today, courtesy of Mr. Stinson of Stratford.

Leaves of Absence

Mr. Robinson of Concord was granted leave of absence for the day on account of important business.

Mr. Turner of Gilsum was granted leave of absence for the day on account of illness.

Introduction of Bills

The following bills were severally introduced, read a first and second time, laid on the table for printing and referred as follows:

By Mr. Urie of New Hampton, House Bill No. 493, An Act relative to public swimming pools. To the Committee on Public Health.

By the Committee on Rules (Mr. Rowell of Newport), House Bill No. 494, An Act making temporary appropriations for the expenses of the State of New Hampshire. To the Committee on Appropriations.

By Committee on Rules (Mr. Gilman of Farmington), House Bill No. 495, An Act relative to funds for the payment of workmen's compensation to state employees. To the Committee on Labor.

By Committee on Rules (Mr. Green of Manchester, Mrs. Brown of Sandwich and Mr. Cormier of Somersworth), House Bill No. 496, An Act establishing the First Light Battery, New Hampshire Volunteers. To the Committee on Military and Veterans Affairs.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to dispense with printing of House Bill No. 496 and reference to committee.

The Clerk read the bill in full.

Mr. Green of Manchester explained the bill.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester further moved that the rules of the House be so far suspended as to put House Bill No. 496 on third reading and final passage by title only at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 496, An Act establishing the First Light Battery, New Hampshire Volunteers, was read a third time, passed, and sent to the Senate for concurrence.

By Committee on Rules (Mr. Kearns of Manchester), House Bill No. 497, An Act relative to Sunday sales. To the Committee on Judiciary.

By Mr. McGrath of Pittsfield, House Bill No. 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations. To the Committee on Public Works.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 494 and reference to committee.

The Clerk read the bill in full.

Mr. Rowell of Newport explained the bill.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the motion.

The Clerk read a communication regarding House Bill No. 494 for Mr. Gilman.

(discussion ensued)

At the request of Mr. Pillsbury of Manchester the Chair declared a one minute recess.

After Recess

The question is on the motion of Mr. Rowell of Newport to suspend the rules.

Mr. Gilman of Farmington continued to speak in favor of the motion.

(discussion ensued)

Messrs. Pillsbury of Manchester and King of Manchester spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. Pillsbury of Manchester offered the following amendment.

Amend section 5 of the bill by striking out the word and figure "and 3" and inserting in place thereof the word and figures, 3 and 4; further amend said section by striking out all after the word "lapse" so that said section as amended shall read as follows:

5 *Takes Effect.* Section 1, 2, 3 and 4 of this act shall take effect as of July 1, 1959 and shall continue in effect until August 1, 1959 unless the appropriation acts for the ensuing biennium are sooner enacted in which event the appropriations therein provided shall thereupon lapse.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted, and the bill was ordered to a third reading.

Reports of Standing Committees

Mr. Hanson of Bow, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Stonemetz of Dover, for the Committee on Insurance, to whom was referred House Bill No. 443, An Act relative to motor vehicle warranty contracts, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 304, An Act adopting the uniform facsimile signatures of public officials act, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 93-A:2, paragraph one, as inserted by section 1 of said bill by striking out the words "after filing with the secretary of state his manual signature certified by him under oath" in the first, second and third lines, so that said paragraph as amended shall read as follows:

93-A:2 *Facsimile Signature*. Any authorized officer may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Eastman of Exeter, for the Committee on Judiciary to whom was referred House Bill No. 277, An Act relative to local civil defense emergencies, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Oliver of Marlborough moved that the words "Ought to Pass" be substituted for the report of the committee "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Green of Manchester spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Brungot of Berlin, for the Committee on Judiciary to whom was referred House Bill No. 341, An Act establishing a comprehensive system of district courts, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bouthillier of Nashua, for the Committee on Municipal and County Government to whom was referred House Bill No. 469, An Act relative to salaries for certain town clerks, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Kinghorn of Piermont, for the Committee on Municipal and County Government to whom was referred House Bill No. 477, An Act to authorize towns to adopt building codes by reference, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the paragraph numbered 156-A:7 as inserted by section 1 of said bill by striking out the same.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Monahan of Hanover, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 394, An Act to provide for the construction, operation, maintenance and financing of industrial treatment plants for the removal of pollution in the waters of the state, having considered the same, reported the same with the recommendation that the bill be recommitted to the committee in new draft and new title.

On a *viva voce* vote the recommendation of the committee was adopted.

Introduction of a Bill in New Draft and New Title

House Bill No. 394, An Act to provide for the construction, operation, maintenance and financing of industrial waste treatment plants for removal of pollution in waters of the state, was introduced, read a first and second time, and referred to the Committee on Resources, Recreation and Development.

House Bill No. 231, An Act relative to school building aid, was taken from the table.

The question being on the amendment as offered by the Committee on Education.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with reference to committee and public hearing on House Joint Resolution No. 54, and that the House Joint Resolution be placed on third reading and final passage by title only, at the present time.

The Clerk read the House joint resolution in full.

Mr. Bigelow of Warner spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 54, Joint Resolution in favor

of the estate of Henry I. Burbank, was read a third time, passed, and sent to the Senate for concurrence.

Senate Messages

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 166, An Act relative to the charter of the city of Portsmouth.

Introduction of a Senate Bill

Senate Bill No. 166, An Act relative to the charter of the city of Portsmouth, was introduced, read a first and second time and referred to the Portsmouth Delegation.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 432, An Act relative to duties of deputy labor commissioner.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 481, An Act providing a retirement system for employees of the city of Berlin.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 483, An Act providing for an additional appropriation for expenses of the legislature.

Communication

STATE HOUSE
Concord, N. H.

June 24, 1959

Mr. Stewart Lamprey
Speaker of the House of Representatives
State House
Concord, New Hampshire

DEAR MR. SPEAKER:

Pursuant to the provisions of House Joint Resolution No. 37, a joint resolution providing for an audit of the department of public works and highways, enacted on April 8th, 1959, the services of Cooley & Marvin, certified public accountants and engineers, of 140 Federal Street, Boston, Massachusetts, have been obtained to make this audit which the joint resolution provides "shall include a thorough and complete examination and investigation into the fiscal methods and accounting procedures of the department."

Work on this audit will begin immediately and should be concluded within approximately six months.

Respectfully submitted,

REMICK H. LAIGHTON,
Legislative Budget Assistant.

The Chair announced that Friday, June 26 is the 72nd birthday and 36th wedding anniversary of Mr. Bouley from Nashua.

Today is also the birthday of Mr. Karagianis of Laconia.

Personal Privileges

Mr. Pickett of Keene rose on a point of personal privilege.

Mr. McCullough of Keene rose on a point of personal privilege to concur with Mr. Pickett's remarks.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Third Readings

Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The following House Bills were read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 494, An Act making temporary appropriations for the expenses for the state of New Hampshire.

House Bill No. 443, An Act relative to motor vehicle warranty contracts.

House Bill No. 304, An Act adopting the uniform facsimile signature of public officials act.

House Bill No. 477, An Act to authorize towns to adopt building codes by reference.

House Bill No. 231, An Act relative to school building aid.

On motion of Mrs. Moulton of New Durham the House adjourned at 12:50 o'clock.

TUESDAY, JUNE 30, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Almighty Lord, of whose righteous Will all things are, Thou hast gathered our people into a great and fair State, and caused them to sow beside the waters, and to multiply their dwellings on the earth. Deepen the roots of our lives here in our State's Capitol. Make us equal to our high trusts, reverent in the use of freedoms, just in the exercise of power, generous in the protection of weakness. With all Thy Grace bless the Governor of New Hampshire. Fill his heart with loyalty to Thee. Bless the Governor's Council and he who is ill this day and absent from it. Give insight to our legislators, and grant them faithfulness that our laws may speak the right with clarity. Amen.

Pledge of Allegiance to the Flag

Mr. Bradbury of Claremont led the Convention in the Pledge of Allegiance to the Flag.

House

Mrs. Weeks of Greenland and Messrs. Daneault of Hudson, Maynard of Nashua and Karagianis of Laconia were granted leaves of absence for the week on account of important business.

Messrs. Normandin of Laconia and Green of Manchester were granted leave of absence for two weeks on account of military duty.

Mrs. Ayre of Laconia was granted leave of absence for the day on account of important business.

Mr. Mannion of Concord was granted leave of absence for the day on account of illness.

Mr. Habel of Somersworth was granted leave of absence for the week on account of sickness in the family.

Reports of Standing Committees

Mr. Bell of Plymouth, for the Committee on Appropriations to whom was referred House Joint Resolution No. 49, Joint Resolution providing supplemental appropriations for normal contributions to the teachers' retirement system and for old age and survivors' insurance contributions on behalf of state employees and teachers, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Bill No. 135, An Act to provide for group hospitalization benefits covering state employees, having considered the same, reported the same with the recommendation that the bill be referred to the Legislative Council.

On a *viva voce* vote the recommendation of the committee was adopted and House Bill No. 135 was referred to the Legislative Council.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Bill No. 454, An Act

amending the benefits payable upon retirement, having considered the same, reported the same with the recommendation that the bill be referred to the Legislative Council.

On a *viva voce* vote the recommendation of the committee was adopted and House Bill No. 454 was referred to the Legislative Council.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 434, An Act relative to public water supplies, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Public Water Supply.* Amend RSA 148:5-a (supp) as inserted by 1957, 306:1, by striking out said section and inserting in place thereof the following: 148:5-a *Use of Flourides.* No fluorides shall be introduced into the water of any lake, pond, reservoir, stream or tributary thereto from which the water supply for domestic purposes is taken. Any person who shall violate any of the provisions of this section shall be fined not more than one hundred dollars or imprisonment for not more than six months.

2 *Repeal.* The act approved May 29, 1959 entitled "An Act Relative to the Use of Fluorine in the Public Water Supply in the City of Concord" is hereby repealed.

3 *Takes Effect.* The provisions of section 2 shall take effect upon the passage of this act and the remaining provisions of the act shall take effect as of October 1, 1959.

The Clerk read the amendment in full.

Mr. Gove of Concord spoke against the amendment.

(Mr. Gilman of Farmington in the Chair)

(discussion ensued)

(Speaker in the Chair)

Mrs. White of Portsmouth, Ward 5, spoke in favor of the amendment.

(discussion ensued)

Mr. Coutermarsh of Lebanon spoke against the amendment.

(discussion ensued)

Mr. Porter of Lebanon spoke in favor of the amendment.

(discussion ensued)

Mr. Pickett of Keene spoke against the amendment and in favor of the bill.

Mrs. Roulston of Salem spoke in favor of the amendment.

Messrs. Monahan of Hanover, Bradley of Hanover and Mrs. Phillips of Claremont spoke against the amendment and in favor of the bill.

Mr. Claflin of Wolfeboro spoke in favor of the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred Senate Bill No. 153, An Act relative to deputy health officers for several towns, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred Senate Bill No. 108, An Act to redistrict power boating on Otter Lake in Greenfield, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Bennett of Keene, for the Special Committee consisting of the members from the city of Keene to whom was referred House Bill No. 492, An Act increasing the salary of the justice of the Keene municipal court, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading

Resolutions

Mr. Gilman of Farmington offered the following Resolutions:

Whereas, the Union-Leader Corporation of Manchester, New Hampshire, through its publication, The New Hampshire Sunday News, has rendered great service to the state by printing a series of articles concerning the price of salt paid by the state and its cities and towns, and

Whereas, this series of articles has resulted in net savings to the state in excess of \$500,000.00 and equally large sums to the cities and towns, and

Whereas, this saving would not otherwise have been accomplished except through the journalistic efforts of the Union-Leader Corporation and the editor of the New Hampshire Sunday News, Mr. B. J. McQuaid, and its reporter, Mr. Maurice McQuillen, therefore be it

Resolved, That the House of Representatives of the New Hampshire General Court commend the Union-Leader Corporation and the employees of that corporation mentioned for its efforts in behalf of the state, and be it further

Resolved, That a copy of these resolutions be sent to the President of the Union-Leader Corporation and the editor of the New Hampshire Sunday News.

The Clerk read the resolution in full.

Mr. Gilman of Farmington spoke in favor of the resolutions.

On a *viva voce* vote the resolutions were not adopted.

Mrs. Frizzell of Charlestown requested a division vote.

A division vote being taken and 146 members voting in the affirmative and 156 members having voted in the negative the resolutions were not adopted.

Mrs. Brungot of Berlin demanded the Yeas and Nays with the following results:

Yeas, 179

COOS COUNTY: Brungot, Christiansen, Gagnon, Marsh, Oakes, Emerson, Crockett, Kimball of Jefferson, Swett, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Persson, Spollett of Chester, Bisbee, Clark, Collishaw, Eastman of Exeter, Smith of Exeter,

Sanborn of Hampton Falls, Palmer of Kensington, Cheney, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, Carkin, Cross, Langford, Roulston, Felch.

STRAFFORD COUNTY: Blanchette, Wiggin of Dover, Dunnington, Stonemetz, Calcutt, Colbath, Richardson, Flanagan, Chase of Durham, Drew, Gilman of Farmington, Randall, Reid, Rolfe, Maxfield, Watson of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Vincent.

BELKNAP COUNTY: Snow, Lacaille, Prescott of Laconia, MacIsaac, Varrell, Pickering of Meredith, Urie, Howe.

CARROLL COUNTY: Hill, Nickerson of Madison, Brown of Sandwich, Hodgdon, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: LaFlamme, Dowd, Hancock, Lessels, Chase of Concord, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Carpenter, LaFond of Hooksett, Montgomery, London, Burleigh, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Aucella, Farwell, Herrick, Vadney, Hambleton, Taft, Crosby, Goodwin, Gallagher, Ainley, Pettigrew, Danforth, Geisel, Goode, Pillsbury, Hart of Manchester, Martel of Manchester, Ward 3, Nolan, Betley, Healy of Manchester, Ward 5, Manning, Armstrong of Manchester, Clancy, Healy of Manchester, Ward 6, O'Connor, LaFrance, LeClerc, Tessier, Champagne, Compagna, DeLisle, Pelissier, Cary, Belanger, Hurley, LaFond of Manchester, Noel, Levasseur, Daniel, DeGrace, Vachon, Deans, Falconer, Cole, Cooper, Saunders, Underhill, Thibault of Nashua, Griffin of Nashua, Dionne of Nashua, Boisvert of Nashua, Chartrain, Bissonette, Bouley, Sablusi, Rice, Draper.

CHESHIRE COUNTY: Gowing, Pike, Turner, Keating, Terrill, McCullough, Wheeler, Bennett, Miskelly, Kretowicz, Forbes, Galloway, Frost, Sawyer.

SULLIVAN COUNTY: Bradbury, Angus, Marx, Spalding, Merrifield.

GRAFTON COUNTY: Bucklin, Eastman of Ashland, Gilbert, Willey, Graham of Canaan, Chamberlain of Holderness, Porter, Burrill, Kelley, Birch, Johnson of Monroe, Cushman.

Nays, 159

COOS COUNTY: Fortier, Perrault, Sheridan, Bouchard, LaCasse of Berlin, Graham of Gorham, Bragg, Potter, Bushey, Styles, Stinson.

ROCKINGHAM COUNTY: Griffin of Auburn, Kimball of Derry, Blair, Merrill, Spollett of Hampstead, Hunter, Junkins, Long, Shepard, Jenkins, Sheehy, Twardus, Carter, Palmer of Plaistow, White of Portsmouth, Ward 5, Peever, Gordon of Sandown, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Leighton, Desjardins, Grimes, Littlehale, Moulton, Hartigan, Cormier, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Harkins, O'Shan, Smith of Meredith, Atwood.

CARROLL COUNTY: Chandler, Downs, Diffenderfer, Nickerson of Tamworth, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Bates, Davis of Concord, Henry, Gibson, Woodman, Robinson of Concord, Peaslee of Concord, Saltmarsh, Gove, Maxham, Newell, Rufo, Carr, Mulaire, Perry, Plourde, Thi-beault of Pembroke, Ayer of Pittsfield, McGrath, Stone.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Branch, Poore, Pickering of Hancock, Gamache, Legallee, Sullivan, Tobin, Cullity, Walsh, Casey, Ecker, Morris, King, Martel of Manchester, Ward 12, Nalette, Dion of Manchester, Gauthier, Rousseau, Crowley, Trombly, Bros-nahan, Pappagianis, Marcoux, Ryan, Grandmaison, Latour, Bouthillier, Locke, Thompson of New Ipswich, Dutton, East-man of Weare.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Stearns, Gordon of Jaffrey, Spofford, Faulkner, Brown of Keene, Pickett, Oliver, Allen, Bouvier, Hackler, Congdon, Ballam, Terry.

SULLIVAN COUNTY: Frizzell, Gaffney, Russell, Nahil, Phillips, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Plumer, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Clement of Landaff, Coutermarsh, Guay of Lebanon, Whipple, Haskins, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

And the resolutions were adopted.

Mr. Sanborn of Enfield offered the following resolutions:

Whereas, Earl Smith Hewitt of Enfield has passed away, and

Whereas, he was a former senator, a former representative, and a former deputy secretary of state, held town offices, and participated in the Dunbarton Oakes Conference, Georgetown, D. C., when the foundations for the United Nations were molded, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to our former fellow member for his service to his town, state and nation, and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Hewitt, a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 348, An Act establishing a department of commerce.

Mr. Pillsbury of Manchester moved that any pending report from the Engrossed Bills Committee be referred to the Rules Committee for a determination of its merits. That said Rules Committee shall report its findings to the House and no report shall be deemed accepted by the House until a vote has been taken on the recommendation of the Rules Committee.

The Clerk restated the motion to the House.

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

Personal Privilege

Mr. Pillsbury of Manchester rose on a point of personal privilege.

Mr. Gilman of Farmington rose on a point of personal privilege.

Mr. Plumer of Bristol spoke against the motion.

Mr. King of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. McMeekin of Haverhill spoke in favor of the motion.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Lamprey of Moultonboro spoke in favor of the motion.

(Speaker in the Chair)

Mr. Pickett of Keene and Mr. Crosby of Hillsborough spoke in favor of the motion.

(discussion ensued)

Mr. Deans of Milford spoke in favor of the motion.

Mr. Gilman of Farmington spoke a second time against the motion but in deference to the Speaker's position withdrew his opposition to the motion.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to place House Bill No. 492, *An Act increasing the salary of the justice of the Keene municipal court*, on third reading and final passage at the present time by title only.

Third Reading

House Bill No. 492, *An Act increasing the salary of the justice of the Keene municipal court*, was read a third time, passed, and sent to the Senate for concurrence.

The Chair declared a one-hour recess.

After Recess**Resolutions**

Mr. Robinson of South Hampton offered the following resolutions:

Whereas, Joseph Evans of South Hampton has passed away, and

Whereas, he was a former representative from South Hampton, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, express our sympathy to the family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his daughter, Miss Ruth Evans, a copy of these Resolutions for the family.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair announced that today was the 40th wedding anniversary of Mr. and Mrs. Pickering of Meredith.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and third reading of House Joint Resolutions by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bill and House Joint Resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 434, An Act relative to public water supplies.

House Joint Resolution No. 49, Joint Resolution providing supplemental appropriations for normal contributions to the teachers' retirement system and for old age and survivors' insurance contributions on behalf of state employees and teachers.

The following Senate Bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 153, An Act relative to deputy health officers for several towns.

Senate Bill No. 108, An Act increasing the salary of the justice of the Keene municipal court.

On motion of Mr. Sanborn of Enfield the House adjourned at 3:58 o'clock.

WEDNESDAY, JULY 1, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Eternal God, who committest to us the swift and solemn trust of self-government, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy Will, not waiting for tomorrow, but yielding today. Lay to rest, by the persuasion of Thy Spirit, the resistance of our passion, indolence, or fear. Consecrate the way our feet may go, and the humblest work will shine, the roughest places be made plain. In the work of legislating and governing the affairs of New Hampshire lift us above unrighteous anger and mistrust, into faith, hope and charity, by a simple and steadfast reliance on Thy sure Will. Amen.

Pledge of Allegiance to the Flag

Mrs. Hartigan of Rochester led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Messrs. Mannion of Concord and McGee of Lincoln were granted leaves of absence for the day on account of illness.

Mrs. Ayre of Laconia was granted leave of absence for today and tomorrow on account of important business.

Mr. Rollins of Alton was granted leave of absence for the day on account of important business.

Introduction of a House Joint Resolution

By the Committee on Rules (Mr. Cheney of Newton), House Joint Resolution No. 55, Joint Resolution in favor of the estate of Harold L. Jones, was introduced, read a first and second time and referred to the Committee on Claims.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing, reference to committee, and that House Joint Resolution No. 55, be placed on third reading and final passage, by caption only, at the present time.

The Clerk read the House Joint Resolution in full.

Mr. Bigelow of Warner spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 55, Joint Resolution in favor of the estate of Harold L. Jones, was read a third time, passed, and sent to the Senate for concurrence.

Reports of Standing Committees

Miss Loizeaux of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 452, An Act providing for salaries of classified state employees, having considered the same, reported the same with the recommendation that the bill be referred to the next session of the Legislature.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March, 1959, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Hunter of Hampton, for the Committee on Resources, Recreation and Development, to whom was referred House Bill No. 402, An Act to create the Town of Hampton Marsh Reclamation Authority, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover offered the following amendment:

Amend said bill by striking out the last sentence of section 5 and inserting in place thereof the following:

Compensation for the commissioners shall be determined annually by the board of selectmen, shall be payable monthly or quarterly, but shall not exceed the sum of two thousand five hundred dollars (\$2500) for the chairman of the commissioners and the sum of one thousand five hundred dollars (\$1500) for each member of the commission. Each member of the commission shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Casey of Manchester, for the Special Committee consisting of the members from the city of Manchester, to whom was referred House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Special Committee consisting of the members from the city of Manchester, to whom was referred House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis, having considered the same, and being unable to agree with the majority, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

GRETA M. AINLEY

Mrs. Ainley of Manchester moved that the report of the minority "Inexpedient to Legislate" be substituted for the majority report "Ought to Pass" and spoke in favor of the motion.

Mr. Kearns of Manchester spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion. Messrs. Dion, Kimball and King of Manchester spoke against the motion.

(discussion ensued)

Mr. Dion of Manchester requested a division.

A division being taken and 88 members having voted in the affirmative and 158 members having voted in the negative the motion to substitute was lost.

The Chair requested a count of the members.

319 members were present.

The question now being on the majority report "Ought to Pass."

On a *viva voce* vote the bill was ordered to a third reading.

Resolutions

Mr. Bragdon of Amherst offered the following resolution:

Whereas, Ralph Bills of Amherst has passed away, and

Whereas, He represented his town as representative and as a Selectman, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby pay tribute to our former fellow member for his services to his town and state and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to his widow, Mrs. Bills, a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Messrs. Downing and Brown of Newport and Miss Bailey of Newport offered the following resolutions:

Whereas, the state and the cities and towns have been able to realize large savings relative to the price to be paid for salt for the highways of the state, and

Whereas, Howard H. Reed, Town Manager of Newport New Hampshire was one of the original investigators of the cost of salt, therefore be it

Resolved, That the House of Representatives commend Howard H. Reed for his efforts in behalf of the state and its

citizen towns in order to effect economies for the government, and be it further

Resolved, That a copy of these resolutions be sent to Howard H. Reed of Newport, New Hampshire.

The Clerk read the resolutions in full.

Mr. Downing of Newport spoke in favor of the resolutions.

(discussion ensued)

On a *viva voce* vote the resolutions were adopted.

Mr. Willey of Campton moved that House Bill No. 166, An Act relating to the practice of professional nursing, be reported into the House by the Judiciary Committee on July 7.

Mr. Crosby of Hillsborough spoke in favor of the motion.

Mr. Willey of Campton withdrew his motion.

The Chair announced that today is the 23rd birthday of Mrs. Chase of Concord and the 26th wedding anniversary of Mr. Sanborn of Hampton Falls.

Mr. Pickett of Keene was recognized on a point of information.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March 1959, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 402, An Act to create the town of Hampton Marsh Reclamation Authority.

House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis.

Reconsideration

Mr. King of Manchester moved that the House reconsider

its vote whereby it passed House Bill No. 442 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. St. Pierre of Rochester the House adjourned at 12:11 o'clock.

THURSDAY, JULY 2, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Hear Thou, O God, our prayer on this last legislative day before Independence Day:—

“Not alone for mighty empire,
Stretching far o'er land and sea,
Not alone for bounteous harvests,
Lift we up our hearts to Thee:
Standing in the living present,
Memory and hope between,
Lord, we would with deep thanksgiving
Praise Thee more for things unseen.
Not for battleship and fortress,
Not for conquest of the sword,
But for conquests of the spirit
Give we thanks to Thee, O Lord;
For the heritage of freedom,
For the home, the church, the school,
For the open door to manhood
In a land the people rule.”

(William Pierson Merrill)

Even as we offer our thanks to Thee, O God, for the blessings of this free land, do Thou, we pray, consecrate each of us to ways of freedom and human dignity. Amen.

Pledge of Allegiance to the Flag

Mrs. Ainley of Manchester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

The Chair introduced Representative Karl Hayes, representative from Guildhall, Essex County Vermont Legislature.

Leaves of Absence

Messrs. Rolfe of Rochester and Clement of Landaff were granted leaves of absence for the day on account of important business.

Reports of Standing Committees

The Chair announced that Senate Bill No. 144, An Act relative to forms of motor vehicle permits, was withdrawn by the Chairman of the committee.

Mrs. Richardson of Dover, for the Committee on Labor, to whom was referred Senate Bill No. 58, An Act exempting hospitals, nursing homes, orphanages and homes for the aged from certain requirements relating to Sunday work, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Angus of Claremont explained the Senate bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Laflamme of Concord, for the Committee on Labor, to whom was referred Senate Bill No. 62, An Act providing for notification from the commissioner of labor of the right to appeal from wage rate determinations, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Angus of Claremont explained the Senate bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Desnoyer of Claremont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 462, An Act to sever a certain tract of land from the town of Mason and annex the same to the town of Greenville, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bigelow of Warner offered the following House Joint Resolution:

House Joint Resolution No. 56, House Joint Resolution in favor of Charles F. Adams.

The sum of ten dollars is hereby appropriated to reimburse Charles F. Adams of Jaffrey for payment of head tax for the tax years 1957 and 1958 which taxes were erroneously assessed against said Charles F. Adams. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 56, reference to committee and that the resolution be placed on third reading and final passage at the present time by caption only.

Mr. Bigelow of Warner spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 56, Joint Resolution in favor of Charles F. Adams, was read a third time, passed, and sent to the Senate for concurrence.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in its adoption of an amendment to the following bill sent up from the House of Representatives.

SB 75, An Act relative to political expenditures.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution sent up from the House of Representatives:

House Bill No. 22, An Act establishing the State Historical Commission.

House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act.

House Joint Resolution No. 5, Joint Resolution providing for the repair and reconditioning of the Meshech Weare Monument at Hampton Falls.

The Chair declared a recess to await action of the Honorable Senate.

After Recess

The Chair called for a rising count of the members present.

There were 243 members present and the Chair announced that it would take a two-thirds vote of the members present to legally conduct business.

Senate Message

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 494, An Act making temporary appropriation for the expenses of the State of New Hampshire.

Amend section 1 of the bill by striking out the whole thereof and substituting therefor the following:

1 *Appropriation.* There is hereby appropriated for the general expenses of the state government during the month of July, 1959, the sum of ten million one hundred seventy thousand dollars, or so much thereof as may be necessary, to be expended in the manner hereinafter provided, that is to say two million five hundred thousand dollars from general funds; five hundred fifty thousand dollars from special funds; one hundred twenty thousand dollars from fish and game funds; and seven million dollars from highway funds. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriation out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. Such expenditures shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

Amend section 4 of the bill by striking out the whole thereof and substituting therefor the following:

4 *Certain Departments.* The provisions of sections 1, 2 and 3 shall apply to the departments of planning and development and forestry and recreation. There is hereby appropriated for the general expenses of the milk control board during the month of July, 1959, the sum of fifteen hundred dollars, or so

much thereof as may be necessary. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriation out of any money in the treasury not otherwise appropriated. Such expenditures shall be a charge upon the appropriations of the milk control board to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

Amend section 5 of said bill by striking out the whole thereof and substituting therefor the following:

5 *Temporary Personnel.* Notwithstanding Chapter 238, Laws of 1957, provided funds are available, departments and institutions are authorized to employ temporary personnel until July 31, 1959.

Amend said bill by inserting after section 5 thereof the following new section:

6 *Takes Effect.* This act shall take effect as of July 1, 1959 and shall continue in effect until August 1, 1959, unless the appropriation acts for the ensuing biennium are sooner enacted in which even the appropriations herein provided shall thereupon lapse.

The Clerk read the amendment in full.

Mr. Gilman of Farmington moved that the House concur in the amendment sent down from the Senate.

Mr. Gilman of Farmington explained the amendment and urged the House to concur.

Mr. Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Plumer of Bristol spoke in favor of the motion.

Mr. Clement of Rochester spoke in favor of the motion.

The Chair declared another recess.

After Recess

The question is on the adoption of the motion that the House concur in the amendment sent down from the Senate.

At the request of Mr. King of Manchester the Clerk read the amendment a second time.

Mr. King of Manchester spoke in favor of the motion.

On a rising vote the Chair stated that the vote was unanimous and the amendment sent down by the Senate was adopted.

Mr. McMeekin of Haverhill requested a division vote.

A division vote being taken and 279 members having voted in the affirmative and no members voting in the negative, the motion to concur in the amendment sent down by the Senate was declared unanimous.

The Chair announced that the House would recess awaiting a report from the Committee on Engrossed Bills on House Bill No. 494.

Recess

After Recess

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 494, An Act making temporary appropriations for the expenses of the State of New Hampshire.

Resolutions

Mr. Rufo of Concord offered the following resolutions:

Whereas, Joseph J. Comi, representative from Concord, Ward 9, is ill at his home, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby express our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Representative Comi.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mrs. Brown of Sandwich the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 58, An Act exempting hospitals, nursing homes, orphanages and homes for the aged from certain requirements relating to Sunday work.

Senate Bill No. 62, An Act providing for notification from the commissioner of labor of the right to appeal from wage rate determinations.

On motion of Mrs. Lord of Gilford the House adjourned at 4:30 o'clock.

TUESDAY, JULY 7, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Eternal Spirit, who art Thyself the exceeding great reward of those who turn to Thee, grant us grace no longer to set our hearts upon the things which moth and rust consume, but to seek after Thy more precious gifts, which, being incorruptible, shall never pass away. Awaken within us the longing for truth, for righteousness and for peace, and kindle in our hearts an eager desire to use for no selfish end whatever power Thou hast given us. Dedicate our thoughts, our words and our efforts through the opportunities of legislative action and administration to bring hope and life and light into the souls of men. Amen.

Pledge of Allegiance to the Flag

Mr. Brosnahan of Nashua led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

Mr. Theodore Kasarauskas of New Haven, Connecticut was a guest of the House today, courtesy of Mr. Noel of Manchester.

Leaves of Absence

Mr. Howe of Tilton was granted leave of absence for the day on account of important business.

Mr. Sawyer of Winchester was granted leave of absence for the week on account of having an accident.

Messrs. Wheeler of Keene, Gay of Derry, Carpenter of Henniker, Carr of Epsom, Eastman of Ashland and Maxham of Concord were granted leaves of absence for the week on account of important business.

Personal Privilege

Mr. Peaslee of Merrimack rose on a point of personal privilege to thank the members of the House for their resolutions sent to him after his accident.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 437, An Act providing funds for the administrative committee of the probate courts, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Tobin of Manchester, for the Committee on Judiciary to whom was referred House Bill No. 485, An Act relating to suspension of motor vehicle licenses after hearing, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by existing law as interpreted by supreme court opinion handed down June 30, 1959.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Bouthillier of Nashua, for the Committee on Municipal and County Government to whom was referred House

Bill No. 274, An Act relating to the approval of the executive committee in certain county matters, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Pettigrew of Manchester, for the Special Committee consisting of the members from the county of Hillsborough to whom was referred House Bill No. 418, An Act relative to powers of Hillsborough county commissioners, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Miskelley of Keene moved that House Bill No. 418 be referred to the committee on Municipal and County Government and spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke in favor of the motion.

On a *viva voce* vote the motion was not adopted.

Mr. Crosby of Hillsborough requested a division.

A division being had and 119 members having voted in the affirmative and 167 members having voted in the negative, the motion did not prevail.

The question now being on the resolution as offered by the committee.

On a *viva voce* vote the resolution was adopted.

Mr. Pettigrew of Manchester, for the Special Committee consisting of the members from the county of Hillsborough to whom was referred House Bill No. 153, An Act relative to the annual salaries of the Hillsborough county commissioners, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fourth and thirteenth lines the words "In Hillsborough, four thousand five hundred dollars" and inserting in place thereof the words, in Hillsborough, four thousand one hundred dollars, so that said section as amended shall read as follows:

1 *Hillsborough County*. Amend RSA 28:28 (supp), as amended by 1955, 247:4, and 1955, 269:1, and 1957, 182:1, and 1957, 246:1, by striking out the words "in Hillsborough,

three thousand seven hundred and fifty dollars” and inserting in place thereof the words, in Hillsborough, four thousand one hundred dollars, so that said section as amended shall read as follows: 28:28 *Commissioners*. The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, eighteen hundred dollars.

In Strafford, fifteen hundred dollars.

In Belknap, fifteen hundred dollars.

In Carroll, twelve hundred dollars.

In Merrimack, two thousand dollars.

In Hillsborough, four thousand one hundred dollars.

In Cheshire, one thousand six hundred dollars.

In Sullivan, twelve hundred dollars.

In Grafton, eighteen hundred dollars.

In Coos, fifteen hundred dollars.

To the foregoing sums shall be added, in all counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

The Clerk read the amendment in full.

Mrs. Goodwin of Hollis moved that the words “Inexpedient to Legislate” be substituted for the committee’s report “Ought to Pass with amendment” and spoke in favor of the motion.

(discussion ensued)

Mr. King of Manchester and Mrs. Cooper of Nashua spoke against the motion.

Mrs. Cole of Nashua spoke in favor of the motion.

(Mr. McMeekin of Haverhill in the Chair)

Mr. Deans of Milford requested Mr. Crosby of Hillsborough to yield to questions.

Mr. Crosby yielded and discussion ensued.

Mr. Aucella of Bennington spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the Yeas appeared to have it.

Mr. Vachon of Manchester requested a division.

A division being had and 215 members having voted in the affirmative and 69 members having voted in the negative, the motion to substitute prevailed.

Mr. Dion of Manchester demanded the Yeas and Nays.

The roll was called for the counties of Hillsborough and Cheshire.

Mr. Dion withdrew his request.

Mr. Pillsbury of Manchester moved that the records show the roll as called for Hillsborough and Cheshire counties.

On a *viva voce* vote the motion prevailed.

Yeas, 59

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Farwell, Herrick, Vadney, Branch, Hambleton, Nickerson of Goffstown, Poor, Pickering of Hancock, Goodwin, Daneault, Gallagher, Gamache, Legallee, Ainley, Lang, Pettigrew, Danforth, Hart of Manchester, Nolan, Clancy, Ecker, Crowley, Peaslee of Merrimack, Deans, Falconer, Cole, Saunders, Pappagianis, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, Gowing, Pike, Turner, Gordon of Jaffrey, Spofford, Keating, Terrill, McCullough, Bennett, Brown of Keene, Faulkner, Miskelly, Pickett, Oliver, Forbes, Allen, Bouvier, Congdon, Galloway, Terry, Frost.

Nays, 59

HILLSBOROUGH COUNTY: Taft, Geisel, Pillsbury, Sullivan, Tobin, Cullity, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Healy of Manchester, Ward 6, O'Connor, Lafrance, Leclerc, Tessier, Champagne, Compagna, Delisle, Pelissier, Cary, Morris, Belanger, Bergeron, King, Hurley, Lafond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12, Nalette, Daniel, DeGrace, Dion of Manchester, Gauthier, Rousseau, Vachon, Cooper, Underhill, Thibault of Nashua, Belcourt, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Sablusi, Bouthillier.

CHESHIRE COUNTY: O'Neil of Chesterfield, Stearns, Kretowicz.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, asked that the House reconsider its vote whereby House Bill

No. 153, An Act relative to the annual salaries of the Hillsborough county commissioners, was inexpedient to legislate.

Mrs. Goodwin of Hollis and Mr. Deans of Milford spoke against the motion.

Mrs. Cooper of Nashua requested the Chair advise the House as to the count of the roll for Hillsborough and Cheshire counties.

The Chair stated the count was a tie, 59 for and 59 against.

(discussion ensued)

The question now being on the motion to reconsider.

On a *viva voce* vote the motion did not prevail.

Mr. Pickett of Keene requested a division vote.

A division vote being had and 55 members having voted in the affirmative and 216 members having voted in the negative, the motion to reconsider did not prevail.

Mr. Pillsbury of Manchester announced that today was the birthday of Mr. Pickett of Keene.

Introduction of a Bill

By Committee on Rules (Mr. Rowell of Newport), House Bill No. 499, An Act providing for a temporary appropriation of the legislature, was introduced, read a first and second time and referred to the Committee on Appropriations.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 499, reference to committee, and that the bill be placed on third reading and final passage by title only, at the present time.

The Clerk read the bill in full.

An Act providing for a temporary appropriation of the legislature.

Be it enacted by the Senate and House of Representatives in General Court convened:

1 *Appropriation.* The sum of one hundred thousand dollars is hereby appropriated for the general expenses of the legislature during the month of July, 1959. The sum hereby appropriated shall be a charge upon the general fund.

2 *Takes Effect.* This act shall take effect as of July 1, 1959 and shall continue in effect until August 1, 1959, unless

the appropriation acts for the ensuing biennium are sooner enacted in which event the appropriation herein provided shall be a charge upon the appropriation of the legislature for the fiscal year ending June 30, 1960.

Mr. Pillsbury of Manchester spoke in favor of the motion. On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 499, An Act providing for a temporary appropriation of the legislature, was read a third time, passed, and sent to the Senate for concurrence.

Senate Messages

The Senate message announced that the Senate had passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 155, An Act relative to insurance policies.

Introduction of a Senate Bill

Senate Bill No. 155, An Act relative to life insurance policies, was read a first and second time and referred to the Committee on Insurance.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 473, An Act relative to group life insurance.

Amend House Bill 473 by striking out all after the enacting clause and inserting in place thereof the following:1
Creditor-Debtor Insurance, Amend paragraph (2) of RSA 408:15 by striking out said paragraph and inserting in place thereof the following: (2) A policy issued to a creditor or to the trustees of a fund established by one or more creditors, which creditor or trustees shall be deemed the policyholder, to insure debtors of the creditor or creditors, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors whose

indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor or creditors' funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligation outstanding at its date of issue without evidence of individual insurability unless at least seventy-five per cent of the then eligible debtors of each creditor elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors of each creditor is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per cent of the new entrants become insured.

(d) The amounts of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to his creditor, or ten thousand dollars, whichever is less.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

2 *Credit Unions.* Amend paragraph (6) of RSA 408:15 (supp) as amended by 1955, 198:1 by striking out said paragraph and inserting in place thereof the following: (6) A policy issued to a credit union or to the trustees of a fund established by one or more credit unions, which credit union or trustees shall be deemed the policyholder to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions or trustees or any of their officials, subject to the following requirements:

(a) The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof determined by conditions pertaining to membership in the credit union or credit unions.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the funds of the credit union or credit unions, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance, or wholly from funds contributed by the insured members specifically for their insurance. A policy on which all or a part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per cent of the then eligible members of each credit union, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least twenty-five members at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the credit union or credit unions.

3 *Takes Effect.* This act shall take effect sixty days after its passage.

Mr. MacIsaac of Laconia moved that reading of the amendment be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. MacIsaac of Laconia moved that the House concur in the amendment sent down by the Senate.

On a *viva voce* vote the motion prevailed.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following joint resolution sent up from the House of Representatives:

House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr. and C. George McClure, Jr.

Reports of Committee on Engrossed Bills

Mr. Lacasse of Berlin and Mrs. Johnson of Monroe, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolution:

House Bill No. 173, An Act relative to trespass on private property and authority of fish and game commissioner to temporarily close areas to fishing.

House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state.

House Bill No. 287, An Act relative to harness race receipts.

House Bill No. 364, An Act establishing a humane slaughter law.

House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act.

House Bill No. 426, An Act to increase the fee for teachers' registration with the state board of education.

Senate Bill No. 75, An Act relative to political expenditures.

Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith.

House Bill No. 105, An Act relative to group life insurance limits — model definition.

House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children.

House Bill No. 237, An Act relative to the construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income.

Senate Bill No. 10, An Act relating to the operation of motor vehicles for emergency purposes.

House Joint Resolution No. 5, Joint Resolution providing for the repair of the Mesheck Weare Monument at Hampton Falls.

Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March, 1959.

Mr. Keefe of Portsmouth introduced the following resolutions:

Whereas, Edward J. Ingraham, Representative from Portsmouth, is ill, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, extend to our Fellow Member our sympathy to him in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Ingraham a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of a bill be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

House Bill No. 437, An Act providing funds for the administrative committee of the probate courts, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Atwood of Sanbornton the House adjourned at 12:33 o'clock.

WEDNESDAY, JULY 8, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Alfred D. Judd, from the First Universalist Church in Claremont as follows:

Almighty and Eternal Father, we rest assured in Thy mercy; but we know that Thy work can be accomplished through the minds and hands of men. Therefore, may we enter into our work mindful of Thy presence, and seek ever to be just in our decisions and understanding in our differences.

The harmony and well-being of persons is our concern in this legislative assembly; it was the concern of our forebears as they sought to establish a government of the governed. Even as these forebears, we seek that which is true and just. In our deliberations this day, and every day, may we be guided in ways of truth and compassion by the Spirit Divine. Amen.

Pledge of Allegiance to the Flag

Mr. Gaffney of Claremont led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced a group of ten veterinarians from France, who represent the "Experiment on International Life" courtesy of the Representatives from Durham.

Leaves of Absence

Messrs. Pinkham of Northwood, Gilman of Farmington, Rollins of Alton and Urie of New Hampton were granted leaves of absence for the day on account of important business.

Introduction of a House Joint Resolution

By Messrs. King and Kearns of Manchester, House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich, was read a first and second time, and referred to the Committee on Claims.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 57.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 490, An Act

relative to extension of appropriations for state aid for nursing education, and administration expenses, having considered the same, reported the same with the recommendation that the bill ought to **pass**.

At the request of Mr. Crosby of Hillsborough, Mr. Pillsbury of Manchester explained the bill.

(discussion ensued)

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred House Bill No. 200, An Act relative to state aid for nursing education, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 326:32 as amended by section 1 of the bill by striking out said section and inserting in place thereof the following:

326:32 *Amount of Aid.* The maximum amount which the board may grant to any one student nurse in basic practical nursing training shall be one hundred fifty dollars during her course of study. The maximum amount which the board may grant to any one student nurse in basic professional nursing training shall be seven hundred dollars for the three or four-year period of which not over three hundred fifty dollars may be awarded for the first year, not over two hundred fifty dollars for the second year and not over one hundred dollars for the third and/or fourth year, and to any one registered nurse in advanced nursing education shall be one thousand dollars per year for a period of not more than two years, all of which shall be paid to the student or registered nurse subject to such rules and restrictions as the board may impose.

Further amend said bill by striking out sections 2 and 3 and renumbering section 4 to read section 2.

The Clerk read the amendment in full.

At the request of Mr. Deans of Milford, Mr. Pillsbury of Manchester explained the amendment.

(discussion ensued)

Mr. Deans of Milford spoke in favor of the bill.

(discussion ensued)

Mesdames Brown of Sandwich, Brungot of Berlin and Mr. Chandler of Bartlett spoke in favor of the bill.

On a *viva voce* vote the amendment was adopted.

Mr. Willey of Campton offered the following amendment.

Amend the paragraph numbered 326:31 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

326:31 *Administration.* The program shall be administered by the state board of nursing education and nurse registration on the basis of financial need only. Applications shall be received from those student nurses who have successfully met pre-nursing qualifications as established by the board or are registered nurses. The board may make reasonable rules and regulations to carry out the purposes of this act. The board shall annually certify to the state treasurer the names of recipients and amounts of scholarship aid awarded to each.

The Clerk read the amendment in full.

Mr. Willey of Campton spoke in favor of the amendment.

Mrs. Brown of Sandwich spoke against the amendment.

(discussion ensued)

Messrs. Bradley of Hanover, Pillsbury of Manchester and Mrs. Brungot of Berlin spoke against the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was ordered to a third reading.

Notice of Reconsideration

Mr. Deans of Milford served notice that today or some subsequent day he would request the House to reconsider its vote whereby it voted "Inexpedient to Legislate" House Bill No. 418, An Act relative to powers of Hillsborough County Commissioners.

Mr. Pillsbury of Manchester moved that we now reconsider House Bill No. 418 and subsequently withdrew his motion.

Reports (continued)

Mr. Plourde of Pembroke, for the Committee on Public Works to whom was referred House Bill No. 375, An Act

transferring the operation of parking areas at Hampton to the public works and highways department, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Plourde of Pembroke, for the Committee on Public Works to whom was referred House Bill No. 468, An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Galloway of Walpole explained House Bill No. 468.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Plourde of Pembroke, for the Committee on Public Works to whom was referred House Bill No. 478, An Act authorizing the town of Hampton to acquire a water works system, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Plourde of Pembroke, for the Committee on Public Works, to whom was referred House Bill No. 484, An Act relative to publication of bids for certain state purchases, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 499, An Act providing for a temporary appropriation of the legislature.

Amend said bill by inserting after section 1 the following new section:

2 *Additional Appropriation.* The sum of one thousand one hundred dollars is hereby appropriated for the governor's legal counsel. The sum hereby appropriated shall be a charge upon the general funds.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Deans of Milford the House concurred in the amendments sent down by the Senate.

Report of Committee on Engrossed Bills

Mr. Lacasse of Berlin, for the Committee on Engrossed bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

House Bill No. 22, An Act establishing the State Historical Commission.

House Joint Resolution No. 45, Joint Resolution in favor of Sidney W. Winslow, Jr. and C. George McClure, Jr.

Senate Bill No. 58, An Act exempting hospitals, nursing homes, orphanages and homes for the aged from certain requirements relating to Sunday work.

Senate Bill No. 153, An Act relative to deputy health officers for several towns.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

On a *viva voce* vote the motion was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 451, An Act relative to establishing an additional polling place for the election of town officers in the town of Goffstown, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Maloomian of Somersworth asked the Chairman of the Banks Committee to explain the present situation on House

Bill No. 61, An Act providing limitations on rate of interest on loans of over three hundred dollars.

The Chair recognized Mr. Dutton of Peterborough who complied with Mr. Maloomian's request.

The Chair announced that today is the 72nd birthday of Mr. LaFrance of Manchester.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 490, An Act relative to extension of appropriations for state aid for nursing education, and administration expenses.

House Bill No. 200, An Act relative to state aid for nursing education.

Reconsideration

Mr. Pillsbury of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 490 and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

Mr. Pillsbury of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 200 and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

Third Readings (continued)

House Bill No. 468, An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach.

House Bill No. 451, An Act relative to establishing an additional polling place for the election of town officers in the town of Goffstown.

On motion of Mrs. Hill of Conway the House adjourned at 12:09 o'clock.

THURSDAY, JULY 9, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

God of our fathers, strength of those who would create a world of peaceful progress, give us grace to accept the responsibilities which are ours. If we are prone to be discontented with the actions of our fellows, let us look first to our own deeds that we may not criticize another while we ourselves harbor misdeeds. If we feel that other men and women are thoughtless and inconsiderate of us, let us examine first the depth of our own fellow-feeling and the reaches of our own kindness. If we have convinced ourselves that our views and purposes are scarcely ever wrong, help us, O God, for we are in need of Thee. Build within us the capacity for seeing our own shortcomings that in shared humility, in understanding and in mutual strivings for self-improvement, we may create that firm ground of personal responsibility on which alone, through sound government we may build lasting peace and progress. Amen.

Pledge of Allegiance to the Flag

Mrs. Palmer of Plaistow led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Messrs. Peever of Salem and McAllister of Barnstead were granted leave of absence for the day on account of important business.

Messrs. Nickerson of Madison and O'Neil of Chesterfield were granted leave of absence for the day on account of illness.

Introduction of a Bill

By the Committee on Rules (Mrs. Neale of Hanover, Mrs. Hayward of Hanover, Mr. Bradley of Hanover and Mr. Monahan of Hanover) House Bill No. 500, An Act relative to an interstate school district between Hanover, New Hampshire

and Norwich, Vermont, was introduced, read a first and second time, and referred to the Committee on Education.

Reports of Standing Committees

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crowley of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960, having considered the same, reported the same, in new draft, with the recommendation that the bill in its new draft be recommitted.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crowley of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961, having considered the same, reported the same, in new draft, with the recommendation that the bill in its new draft be recommitted.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred Senate Bill No. 27, An Act to broaden the curriculum at teachers colleges, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred House Bill No. 367, An Act providing for an assistant superintendent for the city of Roches-

ter, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Bill No. 62.

On a *viva voce* vote the resolution was adopted.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred House Bill No. 132, An Act providing for an assistant superintendent of schools for Claremont, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Bill No. 62.

On a *viva voce* vote the resolution was adopted.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred House Bill No. 446, An Act to provide for a budget committee for cooperative school districts, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Hunter of Hampton moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Bradley of Hanover spoke against the motion.

(discussion ensued)

Mr. Branch of Goffstown spoke against the motion.

(discussion ensued)

Mr. Hunter of Hampton moved that House Bill No. 446 be recommitted to the Committee on Education and spoke in favor of the motion.

(discussion ensued)

Miss Faulkner of Keene and Mr. Branch of Goffstown spoke against the motion.

On a *viva voce* vote the motion was not adopted.

The question now being on the motion to substitute the words "Ought to Pass" for the words "Inexpedient to Legislate".

On a *viva voce* vote the motion was not adopted.

The question now being on the resolution of the committee that House Bill No. 446 is Inexpedient to Legislate.

On a *viva voce* vote the motion was adopted.

Mrs. Berry of Barrington, for the Committee on Education, to whom was referred House Bill No. 411, An Act relative to additional assistant superintendent and a helping teacher in the city of Manchester, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Bill No. 62.

At the request of Mr. Deans of Milford, Mrs. Brown of Sandwich answered questions concerning House Bill No. 411.

Mr. Plumer of Bristol was recognized to answer questions.

The question is on the resolution of the committee.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Berry of Barrington, for the Committee on Education to whom was referred House Bill No. 419, An Act relative to cooperative school districts, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Sanborn of Hampton Falls moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Branch of Goffstown spoke against the motion.

(discussion ensued)

Mr. Bradley of Hanover spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion was not adopted.

The question now being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Committee of Conference Report

The Committee of Conference to whom was referred House Bill No. 322, An Act relative to definitions, power of labor commissioner and benefits under Workmen's Compensation law, having considered the same, reported the same with the following recommendations:

That the House recede from its position of nonconcurrency and concur with the Senate in the adoption of its amendment; and that the following amendment be adopted: Amend section 15 of the bill by striking out the word and figure "July 1" and inserting in place thereof, July 15, so that said section as amended shall read as follows:

15 *Takes Effect.* This act shall take effect July 15, 1959 except for section 1 thereof which shall take effect on September 1, 1959.

GEORGE W. ANGUS,
ERNEST W. SALTMARSH,
CLARENCE LACASSE

Conferees on the Part of the House.

E. J. BENNETT,
MARYE WALSH CARON,

Conferees on the Part of the Senate.

On motion of Mr. Angus of Claremont the Committee of Conference report was adopted.

Supreme Court Opinions

To the House of Representatives:

The undersigned Justices of the Supreme Court submit the following answers to the inquiries contained in your resolution with reference to House Bill No. 448, entitled "An act to reimburse innocent depositors of Valley Trust Company for losses suffered."

Section 1 of the proposed bill authorizes an appropriation of \$250,000 as a reimbursement fund. Section 2 provides that depositors who have suffered loss of funds from the bank's failure shall have the right to apply for reimbursement. Sections 4 to 7 inclusive authorize a state bond issue for the appropriation. Section 3 reads as follows: "Exceptions. Notwithstanding the provisions of the preceding section no depositor who during the period from January 1, 1954 to the

date of closure of said bank, namely June 24, 1958, served as a director or executive officer of the Valley Trust Company, or who on June 24, 1958 was indebted to the bank in an amount which was in excess of the amount the Valley Trust Company was authorized to loan to a single depositor under RSA 392:39 (supp.) shall be entitled to apply for nor receive any reimbursement for loss."

Banking is peculiarly subject to regulation by the State in the exercise of its police power. *Opinion of the Justices*, 102 N. H. , 151 A. (2d) 236. 9 Zollman, Banks and Banking, s. 5722. "It is of vast importance to the commercial prosperity, the manufacturing activity, and the industrial welfare of the community that banks be managed with integrity and sagacity and according to the rules of law prescribed for their administration. The savings of the poor, the earnings of the thrifty, and the resources of the wealthy, alike depend upon the prevention of delinquency on the part of those who control and direct the affairs of banks." *Cosmopolitan Trust Co. v. Mitchell*, 242 Mass. 95, 111, 112. Consequently the State has broad powers to enact protective and preventive legislation to forestall ultimate loss to bank depositors by the creation of guaranty funds, the requirement that depositors' funds shall be insured and other appropriate means.

The proposed bill, however, appropriates state money for the purpose of reimbursing private depositors for losses already incurred and violates the constitutional prohibition against taxation to aid private purposes or parties. N. H. Const., Pt. II, Art. 5th. "Unconditional aid is not a proper charge of government to be met by the taxpayers." *Opinion of the Justices*, 88 N. H. 484, 488-489, Banks, like insurance companies and utilities, are regulated in the public interest but their failure or financial losses do not create a state debt to depositors, policyholders, and stockholders which can be met by the appropriation of public funds. *Weaver v. Keehan*, 120 Neb. 114; 9 Zollman, Banks and Banking, s. 5864, p. 71.

Therefore in answer to your first inquiry you are advised that House Bill No. 488, if enacted into law, would be in violation of the state Constitution. It logically follows that the same conclusions govern the latter part of your second inquiry and that an amendment to the bill to reimburse bank

depositors "who have suffered losses of funds because of other bank failures in New Hampshire during prior years" would likewise be unconstitutional.

FRANK R. KENISON
LAURENCE I. DUNCAN
AMOS N. BLANDIN
EDWARD J. LAMPRON
STEPHEN M. WHEELER

July 9, 1959.

To the House of Representatives:

The undersigned Justices of the Supreme Court submit the following answer to the inquiries contained in your resolution with reference to House Bill No. 489, entitled "An Act authorizing the establishment of a branch bank in Penacook."

Section 1 thereof provides that "It is the limited purpose of this act to meet the emergency occasioned by the failure . . . to reorganize the Valley Trust Company of Penacook . . . the public convenience and necessity require the existence of banking facilities in Penacook . . . the general court views the loss of banking facilities . . . and the consequent hardship . . . as a special emergency." Section 2 provides that either of the two national banks doing business in Concord may apply to the Comptroller of the currency of The United States for a certificate of approval to operate a single branch in Penacook and that only one such certificate is to be issued.

Section 3 states that "Nothing in this act shall be construed as conferring upon any other national bank authority to apply for a certificate of approval to operate a branch. Nothing herein shall be construed as conferring upon any savings bank, trust company or building and loan association, organized under the laws of this state, power to establish and operate any branch."

National banks doing business in this state are instrumentalities of the Federal Government and are subject to the paramount authority of the United States. *McCulloch v. Maryland*, 4 Wheat. 316; *Henrys v. Raboin*, 395 Ill. 118; *Opinion of the Justices*, 102 N. H. , 151 A. (2d) 236.

12 U.S.C.A., s. 36 (66 Stat. 633) provides that "c) A national banking association may, with the approval of the Comptroller of the currency, establish and operate new

branches; (1) within the limits of the city, town or village in which said association is situated, if such establishment and operation are at the time expressly authorized to state banks by the law of the state in question; and (2) at any point within the state in which said association is situated, if such establishment and operation are at the time authorized to state banks by the statute law of the state in question by language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to the restrictions as to location imposed by the law of the state on state banks."

Congress by the above provision has pre-empted the field of regulating the operation of branches by national banks. *Milliard v. National Bank of Detroit*, 338 Mich. 610. "The history of federal legislation regarding branch banking and the statutes applying thereto leave a clear and definite impression that Congress intended, with respect to the location of branches, that a national bank should have no greater rights than it would if it were a state bank, and, that a national bank was to be permitted to establish and operate a branch in a state only at such a point as it could, by express provisions of a state statute, establish and operate a branch if it were then a state bank." *National Bank of Detroit v. Wayne Oakland Bank*, 252 F. (2d) 537, 540.

New Hampshire has never enacted a law specifically authorizing the operation of a branch by a state bank. *Opinion of the Justices*, 102 N. H. , 151 A. (2d) 236. In the absence of such legislation there are no branch banks operating in this state. See 7 Am. Jur., Banks, s. 23, pp. 39, 40; New England Business Review Federal Reserve Bank of Boston, April, 1959; 74 Banking L. J. 942. House Bill No. 489 provides in section 3 that "Nothing herein shall be construed as conferring upon any savings bank, trust company or building and loan association, organized under the laws of this state, power to establish and operate any branch." This provision is the direct opposite of the express authorization to state banks to operate branches required by 12 U.S.C.A., s. 36 to enable the Comptroller of the currency of the United States to issue a certificate of approval to a national bank to operate a branch in New Hampshire. *National Bank of Detroit v. Wayne Oakland Bank*, *supra*.

The answer to your inquiries is that House Bill No. 489 is contrary to the federal law which governs the matter.

FRANK R. KENISON
LAURENCE I. DUNCAN
AMOS W. BLANDIN
EDWARD J. LAMPRON
STEPHEN M. WHEELER

July 9, 1959.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill and joint resolutions sent up from the House of Representatives:

House Bill No. 188, An Act relative to the board of education of the city of Franklin.

House Joint Resolution No. 54, Joint Resolution in favor of the estate of Henry I. Burbank.

House Joint Resolution No. 55, Joint Resolution in favor of the estate of Harold L. Jones.

House Joint Resolution No. 56, Joint Resolution in favor of Charles F. Adams.

Report of Committee on Engrossed Bills

Mrs. Chase of Concord and Mrs. Johnson of Monroe, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bill and House Joint Resolutions:

House Bill No. 499, An Act providing for a temporary appropriation of the legislature.

Senate Bill No. 62, An Act providing for notification from commissioner of labor of the right to appeal from wage rate determinations.

House Joint Resolution No. 54, Joint Resolution in favor of the estate of Henry I. Burbank.

House Joint Resolution No. 55, Joint Resolution in favor of the estate of Harold L. Jones.

House Joint Resolution No. 56, Joint Resolution in favor of Charles F. Adams.

Point of Personal Privilege

Mr. Hodgman of Pelham rose on a point of personal priv-

ilege to thank the members of the House for all their kindnesses to him during his recent illness.

Announcement

Mr. Pickett of Keene announced that the annual presentation of the Old Homstead Play would take place in Swanzey in the near future.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Mrs. Davis of Concord the House adjourned at 12:41 o'clock.

TUESDAY, JULY 14, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

In all we do be Thou, O Lord. our strength and help, Help us to walk with all lowliness and meekness, with long-suffering, forbearing one another in love: endeavoring to keep the unity of the spirit in the bond of peace. So may we fulfill Thy Law, which transcendeth the laws of man, the Law of Love. Enable us, by Thy grace, to dedicate ourselves anew to the great works which Thou layest on the heart and conscience of our times. Reveal to us the beauty of Thy perfect Law, the gladness of Thy service, the power of Thy presence in our hearts, that so without fear we may move forward in paths of high accomplishment. Be Thou, O Lord, our guide and help for evermore. Amen.

Pledge of Allegiance to the Flag

Mr. Emery of Stark led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced Mr. and Mrs. John Gross and daughters Virginia and Gerry from Hawaii and also Mrs. Francis J. Hurley and Mrs. William F. Keefe as guests of the House, courtesy of Mr. Keefe of Portsmouth.

Leaves of Absence

Mr. Geisel of Manchester was granted leave of absence for the day on account of important business.

Mrs. Kimball of Jefferson was granted an indefinite leave of absence on account of important business.

Reports of Standing Committees

On motion of Mr. Kimball of Manchester the order of business was changed so as to consider Senate Bill No. 102, An Act relative to a referendum concerning a salary schedule for personnel employed in the Manchester fire department, as the first order of business on the calendar instead of last.

Mr. Dion of Manchester, for the Special Committee consisting of the members from the city of Manchester to whom was referred Senate Bill No. 102, An Act relative to a referendum concerning a salary schedule for personnel employed in the Manchester fire department, having considered the same, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Special Committee consisting of the members from the city of Manchester to whom was referred Senate Bill No. 102, An Act relative to a referendum concerning a salary schedule for personnel employed in the Manchester fire department, having considered the same, and being unable to agree with the majority reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

GERARD J. BELANGER
JAMES PETTIGREW
CHARLES E. DANIEL
GEORGE E. LAFOND
GERARD DeGRACE
SAMUEL GREEN

JOHN J. KEARNS
JOHN PILLSBURY
JOHN W. KING
HARRY J. DANFORTH
ADELARD PELISSIER
HECTOR J. ROUSSEAU
EDWARD J. LaFRANCE
EDWARD J. WALSH
JOSEPH T. COMPAGNA
ROGER J. CROWLEY
CHARLES J. LECLERC

Mr. Daniel of Manchester moved that Senate Bill No. 102 be indefinitely postponed and spoke in favor of the motion.

Messrs. Casey, Martel, Ward 3, and Kimball of Manchester spoke against the motion.

Messrs. DeGrace and Green of Manchester spoke in favor of the motion.

(discussion ensued)

Notice of Reconsideration

Mrs. Hartigan of Rochester, having voted with the majority, served notice that today, or some subsequent day, she will ask the House to reconsider its vote whereby it adopted the resolution of the committee that House Bill No. 367, An Act providing for an assistant superintendent for the city of Rochester, was inexpedient to legislate.

The question now being on the motion of Mr. Daniel of Manchester that Senate Bill No. 102 be indefinitely postponed.

Mr. Vachon of Manchester, Mrs. Dondero of Portsmouth and Mr. McMeekin of Haverhill spoke against the motion.

Mr. King of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth, Mr. Kimball of Manchester and Mr. Pickett of Keene spoke a second time against the motion.

(discussion ensued)

Mr. Casey of Manchester spoke a second time against the motion.

Mr. Pillsbury of Manchester moved the previous question and it was sufficiently seconded.

The question now being on the motion that Senate Bill No. 102 be indefinitely postponed.

Mr. Green of Manchester requested a division vote.

A division being had, and 166 members having voted in the affirmative and 129 members having voted in the negative, the motion to indefinitely postpone prevailed.

Mr. Vachon of Manchester demanded the Yeas and Nays.

After the Hillsborough County vote was taken, Mr. Vachon withdrew his demand for a Roll Call.

On motion of Mr. Vachon of Manchester the Yeas and Nays for Hillsborough County were recorded as follows:

Yeas, 48

HILLSBOROUGH COUNTY: Wiggin of Bedford, Farwell, Herrick, Vadney, Hambleton, Poore, Taft, Crosby, Goodwin, Daneault, Gallagher, Legallee, Green, Pettigrew, Danforth, Goode, Pillsbury, Leclerc, Tessier, Compagna, Belanger, Lafond of Manchester, Daniel, DeGrace, Rousseau, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cole, Cooper, Saunders, Belcourt, Trombly, Brosnahan, Pappagianis, Boisvert of Nashua, Chartrain, Bissonnette, Gouley, Grandmaison, Latour, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

Nays, 48

HILLSBOROUGH COUNTY: Aucella, Branch, Nickerson of Goffstown, Gamache, Ainley, Lang, Kimball of Manchester, Hart of Manchester, Martel of Manchester, Ward 3, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5, Manning, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Champagne, Delisle, Cary, Morris, Bergeron, King, Hurley, Noel, Levasseur, Martel of Manchester, Ward 12, Maston, Nalette, Dion of Manchester, Gauthier, Crowley, Vachon, Thibault of Nashua, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Ryan, Sabluski, Bouthillier.

Mr. Marx of Langdon, for the Committee on Executive

Departments and Administration, to whom was referred Senate Bill No. 144, An Act relative to forms of motor vehicle permits, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Deans of Milford, Mr. McMeekin of Haverhill explained the bill.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Frizzell of Charlestown, for the Committee on Judiciary, to whom was referred House Bill No. 103, in New Draft and New Title, An Act relative to school buses, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5. *Operation of Motor Vehicles.* Amend RSA 263:43 by striking out said section and inserting in place thereof the following: 263:43 *Overtaking and Passing School Bus.* The driver of a motor vehicle upon a highway upon meeting or overtaking from either direction any school bus plainly marked with school bus signs which has stopped on the highway for the purpose of receiving or discharging any school children shall stop his vehicle before reaching such school bus. The driver may then proceed slowly and cautiously. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when such roadways are separated by a median strip so called.

6. *Takes Effect.* This act shall take effect September 1, 1959.

The Clerk read the amendment in full.

Mrs. Frizzell of Charlestown spoke in favor of the amendment.

(discussion ensued)

Mr. Crosby of Hillsborough spoke in favor of the amendment.

(discussion ensued)

Mr. Terry of Westmoreland spoke in favor of the amendment.

(discussion ensued)

Mr. Charland of Franklin moved that Senate Bill No. 144 be made a Special Order of Business for 11:01 A. M. on Thursday next and spoke in favor of the motion.

(discussion ensued)

Mr. McGee of Lincoln spoke against the motion.

(discussion ensued)

Mr. Terry of Westmoreland spoke against the motion.
On a *viva voce* vote the motion was not adopted.

The question now being on the amendment as offered by the committee.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Joint Resolution No. 52, Joint Resolution providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Claflin of Wolfeboro, for the Committee on Public Health, to whom was referred House Bill No. 493, An Act relative to public swimming pools, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Gilman of Farmington moved that House Bill No. 286, An Act relative to payments to outside schools furnishing instructions not available in this state, be recalled from the Governor, and spoke in favor of the motion.

(discussion ensued)

Mrs. Frizzell of Charlestown spoke in favor of the motion.
On a *viva voce* vote the motion was adopted.

Mr. Gilman of Farmington moved that the House reconsider its vote whereby it concurred in the amendment sent down by the Senate.

On a *viva voce* the motion to reconsider was adopted.

Reconsideration

Mr. Gilman of Farmington moved that the House non-concur in the amendment sent down by the Senate on House Bill No. 286 and that a Committee of Conference be appointed to consider the bill.

On a *viva voce* vote the motion was adopted.

The Chair appointed Mesdames Frizzell of Charlestown and Brown of Sandwich and Mr. Branch of Goffstown as conferees on the part of the House to consider House Bill No. 286.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 477, An Act to authorize towns to adopt building codes by reference.

Amend the bill by inserting at the end of 156-A:5 the following:

Additional copies of such ordinance or any amendment or supplement thereto shall be available for loan or sale to any interested person.

Mr. McMeekin of Haverhill moved that the House non-concur in the amendment sent down by the Senate and that a Committee of Conference be appointed to consider the bill.

On a *viva voce* vote the motion was adopted.

The Chair appointed as conferees on the part of the House, Mrs. DeLude of Unity and Messrs. McMeekin of Haverhill and Congdon of Troy.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 322, An Act relative to definitions, powers of Labor Commissioner and benefits under Workmen's Compensation Law.

Amend section 1 of said bill by striking out the first seven lines and inserting in place thereof the following:

1 *Workmen's Compensation.* Amend paragraph I of RSA 281:2 (supp) as amended by 1957, 187:1 by striking out the word "five" in the third line and inserting in place thereof the word, three, and by inserting after the word "state" in the seventh line the following: For the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and by-laws of a corporation shall not be considered to be employees, except that such executive officers in excess of three shall be counted as employees, so that said paragraph

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Employee.* Amend paragraph II of RSA 281:2 by striking out said paragraph and inserting in place thereof the following: II. Employee, shall mean any person in the service of an employer subject to the provisions of this chapter under any contract of hire, express or implied, oral or written, except employees employed in farm labor or as domestic servants, and except railroad employees engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act. Executive officers elected or appointed and empowered in accordance with the charter and by-laws of a corporation subject to the provisions of this chapter shall be deemed to be employees of such corporation under this chapter, except as provided in paragraph I.

Amend section 15 of said bill by striking out the same and inserting in place thereof the following:

15 *Takes Effect.* Sections 1 and 2 of this act shall take effect on September 1, 1959. The remaining provisions of this act shall take effect July 15, 1959.

On motion of Mr. Angus of Claremont reading of the amendment was dispensed with and Mr. Angus explained the amendment.

On motion of Mr. Angus of Claremont the House concurred in the Senate amendment.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 119, An Act relative to clams, clam worms and oysters.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Regulations.* Amend RSA 211:62 (supp) as inserted 1957, 251:1 and 1958, 1:1, by striking out the whole thereof and inserting in place thereof the following:

211:62 *Authority for Taking.* The director of the fish and game department upon advice of the advisory committee on shore fisheries and the fish and game commission is authorized to make rules and regulations relative to the size, number and quantity limits for legal taking, open and closed seasons for legal taking, areas to be opened or closed to taking and the manner of taking clams, clam worms and oysters. Existing rules and regulations shall continue in effect until the effective date of new regulations promulgated in accordance with section 211:63.

2 *Licenses.* Amend RSA 211 by inserting after section 62 the following new section: 211:62-a *Licenses for Taking.* No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section, provided that a resident in the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department, not over one quart of clam worms during any one day for his own use without a license therefor and no rules or regulations shall be made by the director of the fish and game department inconsistent with this provision. Any resident of this state shall, upon application to the director of the fish and game department, be granted a license to take clams or clam worms or oysters upon payment of a fee of two dollars for either type license or four dollars for a combination of any two types of licenses or six dollars for a combination of all three types of licenses and such licenses shall be issued for

the current calendar year. The director of the fish and game department shall make readily available such licenses as are covered in this Statute through its regular outlets.

3 *Fish and Game Commission.* Amend RSA 211:63 (supp) as amended by 1957, 261:1 by striking out said section and inserting in place thereof the following: 211:63 *Hearings as To.* Such regulations shall become effective on an effective date specified by the director not less than thirty days following a public hearing before the fish and game commission.

4 *Revocation.* Amend RSA 211:64 (supp) as inserted 1957, 251:1 by striking out said section and inserting in place thereof the following: 261:64 *Penalty.* Whoever violates section 62-a hereof or any rule or regulation promulgated by the director as hereinbefore provided relative to clams, clam worms and oysters, shall be fined not more than one hundred dollars and any license issued to him under this title may be revoked in the discretion of the director for a period not exceeding one year.

5 *Repeal.* RSA 211:54 (supp) as amended by 1955, 308:3 relative to oyster licenses is hereby repealed.

6 *Takes Effect.* This act shall take effect upon its passage except that sections 2 and 5 shall become effective January 1, 1960.

On motion of Mr. Bisbee of Derry, reading of the amendment was dispensed with and Mr. Bisbee explained the amendment.

On motion of Mr. Bisbee of Derry, the House concurred in the amendment sent down from the Senate.

The Senate Message further announced that the Senate has passed bills and a Joint Resolution with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 120, An Act relative to contracts for operation of schools in Woodstock, Thornton and Lincoln.

Senate Bill No. 158, An Act relating to the installation of gas appliances.

Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the Committee on Investigation of Gasoline and Fuel Oil Prices.

Introduction of Senate Bills

The following Senate bills and Senate joint resolution were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 120, An Act relative to contracts for operation of schools in Woodstock, Thornton and Lincoln, to the Committee on Education.

Senate Bill No. 158, An Act relating to the installation of gas appliances, to the Committee on Judiciary.

Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the Committee on Investigation of Gasoline and Fuel Oil Prices, to the Committee on Judiciary.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 288, An Act relating to defamation by radio or television.

House Bill No. 303, An Act regulating trading stamp companies.

House Joint Resolution No. 49, Joint Resolution providing supplemental appropriations for normal contributions to teachers' retirement system and for old age and survivors' insurance contributions on behalf of state employees and teachers.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed bills have examined and found correctly engrossed the following entitled House bills and House joint resolution:

House Bill No. 125, An Act relative to taking muskrat.

House Bill No. 188, An Act relative to the board of education of the city of Franklin.

House Bill No. 473, An Act relative to group life insurance.

House Joint Resolution 49, Joint Resolution providing supplemental appropriations for normal contributions to the teachers' retirement system and for old age and survivors' insurance contributions on behalf of state employees and teachers.

Resolutions

Mr. Beard of Lebanon offered the following resolutions:

Whereas, George H. Edson, Representative from Lebanon, is ill in the Mary Hitchcock Hospital in Hanover, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, do extend our sympathy to our fellow member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Edson a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 103, An Act relative to school buses.

House Bill No. 493, An Act relative to public swimming pools.

Mrs. Davis of Concord served notice that today or some subsequent day she would ask the House to reconsider its vote whereby it passed House Bill No. 103, An Act relative to school buses.

On motion of Mrs. Chase of Concord the House adjourned at 1:41 o'clock.

WEDNESDAY, JULY 15, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Arthur L. Massicotte, of St. Joseph's Catholic Church in Belmont, as follows:

Almighty and eternal God, we lift our hearts and minds to Thee in prayer. We believe in Thee, we hope in Thee; and we love Thee above all things, with our whole heart and soul.

Because Thou are infinitely good and worthy of all love, have compassion on us all, Thy servants, and grant us wisdom and understanding that we may know Thy holy will, and grant us courage and strength to do Thy will.

O God of wisdom and justice, assist with Thy Holy Spirit of counsel and fortitude His Excellency, the Governor of this State, the honorable members of his counsel, every senator and representative of this legislature. Let the light of Thy divine wisdom direct their deliberations, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of happiness, the increase of industry, sobriety, and useful knowledge; and may perpetuate to us the blessing of equal liberty.

We recommend likewise to Thy unbounded mercy all our brethren and fellow-citizens throughout the state and the nation, that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law; that they may be preserved in union, and that peace which the world cannot give; and after enjoying the blessings of this life, be admitted to those which are eternal. Amen.

Pledge of Allegiance to the Flag

Mr. Harkins of Laconia led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

The Chair introduced Miss Claire Vachon as guest of the House today, courtesy of her father, Mr. Vachon of Manchester.

Leaves of Absence

Mr. Rollins of Alton was granted leave of absence for the day on account of important business.

Mr. Washburn of Alstead was granted leave of absence for today and Thursday on account of important business.

Mr. Merrill of Exeter was granted leave of absence for today and Thursday on account of illness.

Mr. Allen of Rindge was granted leave of absence for the day on account of illness.

Introduction of a Bill

House Bill No. 501, An Act disannexing a certain homestead in the town of Hooksett from the city of Manchester for school purposes, was introduced, read a first and second time, and referred to the Committee on Municipal and County Government.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under workmen's compensation law.

Reports of Standing Committees

Mrs. Weeks of Greenland, for the Committee on Education to whom was referred House Bill No. 456, An Act relative to approval of supervisory union budgets by the school districts, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Chandler of Bartlett spoke in favor of the bill.

Mrs. Brown of Sandwich explained the reasons for the resolution of the committee.

(discussion ensued)

On a *viva voce* vote the resolution was adopted.

Mr. Marx of Langdon, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 479, An Act to repeal charters of certain corporations,

having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by the following insertions:

1 Insert before "Dairy Freeze, Inc. (Nashua, 1955)" the following: D. K., Inc. (formerly Mowglis, Inc., Hebron, 1953)

2 Insert before "Kennedy, Ken, Inc. (Keene, 1955)" the following: Kempton Realty Corporation (Concord, 1947)

3 Insert after "Meriden Electric Light and Power Company (Meriden, 1910)" the following: Merrill-Whitney Company (Nashua, 1916)

4 Insert before "New Hampshire Woodlands, Inc. (East Weare, 1957)" the following: New Hampshire Egg Auction, Inc. (Derry, 1937)

5 Insert before "Savoie, R., Inc. (Manchester, 1955)" the following: Sarasin, Francis W. Agency, Inc. (Nashua, 1959)

6 Insert after "Williams, L. E. Nursery Co. (Exeter, 1926)" the following: Williams Laundry Company of New Hampshire (West Lebanon, 1926)

Mr. McMeekin of Haverhill moved that reading of the amendment be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. McMeekin of Haverhill explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 501, An Act disannexing a certain homestead in the town of Hooksett from city of Manchester for school purposes.

The Clerk read the bill in full and Mr. Deans of Milford explained the bill.

On a *viva voce* vote the motion was adopted.

Mr. Dutton of Peterborough and Mr. Crosby of Hillsborough, for the Committee on Banks and Judiciary, to whom was referred House Bill No. 272, An Act relating to bank holding companies, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *New Chapter.* Amend RSA by inserting after chapter 294 the following new chapter 294-A:

Chapter 294-A

Bank Holding Companies

294-A:1 *Definitions.* The following terms when used in this chapter shall have the following meaning:

I. "Bank", any bank organized under the laws of this state and any national bank authorized to do business and located in this state.

II. "Company", any bank, corporation, partnership, business trust, voting trust, unincorporated association, joint stock association or similar organization organized under the laws of this state or doing business in this state.

III. "Bank holding company", any company which directly or indirectly (1) owns, controls, or holds with powers to vote fifteen per centum or more of the voting stock of each of two or more banks whose combined deposits represent more than twelve per centum of the total bank deposits of the state; or (2) controls the election of a majority of the directors of two or more banks whose combined deposits represent more than twelve per centum of the total bank deposits of the state; or (3) owns, controls or holds with power to vote fifteen per centum or more of the voting stock of each of more than twelve banks; or (4) controls the election of a majority of the directors of each of more than twelve banks.

IV. "Total bank deposits", for purposes of this chapter "total bank deposits" shall include only the combined deposit liabilities of state-chartered trust companies, mutual savings banks, guaranty fund savings banks and national banks doing business in this state.

294-A:2 *Prohibition.* No company shall become a bank holding company.

294-A:3 — *Exceptions.* The prohibition contained in section 2 shall not apply in the cases of (1) stock acquired in good faith in a fiduciary capacity, except where the beneficiary for which such stock is held is prohibited from acquiring or holding such stock; (2) stock accepted in good faith as col-

lateral security for advances made or stock acquired in the regular course of securing or collecting a debt previously contracted in good faith provided that such stock shall be sold or otherwise disposed of within the term of five years from the date of its acquisition; (3) stock acquired in connection with the underwriting of the issue of such stock and which is held only for such period of time as will permit the sale thereof on a reasonable basis.

294-A:4 *Separability Clause.* If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

The undersigned, a minority of the Committee on Banks and Judiciary, to whom was referred House Bill No. 272, An Act relating to bank holding companies, having considered the same, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 *Duration; Enforcement; Study.* This act shall take effect sixty days after its passage but shall terminate, expire and cease to be law May 1, 1961. The superior court shall have jurisdiction in equity, on petition of the bank commissioner to enforce any provision of section 1 of this act and to restrain violations thereof. There is hereby created an interim committee of six persons whose duty it shall be to study the subject of group or branch banking in this state, including the subject matter of section 1 of this act, and to report its recommendations for legislation thereon to the 1961 session of the general court. The bank commissioner shall appoint the members of such interim committee as soon as reasonably possible after this act takes effect and shall appoint two members representative of group banking, two members representative of unit banking and two members representative of the general public who are not affiliated with any bank. The bank commissioner is directed to co-operate

with and assist such committee in its work and make available to it the facilities of his department.

HILDA BRUNGOT,
For the Committee.

Mr. Urie of New Hampton moved that the minority report amendment be substituted for the majority report amendment and spoke in favor of the motion.

(discussion ensued)

At the request of Mr. Geisel of Manchester the Clerk read the minority amendment in full.

Mr. Dutton of Peterborough spoke against the motion.

(discussion ensued)

Mr. Stevenson of Bethlehem spoke in favor of the motion.

(discussion ensued)

Mr. Taft of Greenville spoke against the motion.

(discussion ensued)

Mr. Plumer of Bristol and Mr. Coutermarsh of Lebanon spoke in favor of the motion.

Mr. Tobin of Manchester spoke against the motion.

(discussion ensued)

Mr. Bisbee of Derry spoke against the motion.

Mr. Sanborn of Hampton Falls spoke in favor of the motion.

(discussion ensued)

Notice of Reconsideration

Mr. MacIsaac of Laconia served notice that on today or some subsequent day he will ask that the House reconsider its vote whereby it killed House Bill 456, An Act relative to approval of supervisory union budgets by the school districts.

The question before the House now being, shall the minority report on House Bill No. 272 be substituted for the majority report.

Mr. Malley of Somersworth spoke against the motion.

(Mr. Gilman of Farmington in the Chair)

Mr. Miskelly of Keene spoke in favor of the motion.

(discussion ensued)

Mr. MacIsaac of Laconia spoke against the motion.

(discussion ensued)

Mr. Downing of Newport spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke against the motion.

Mr. Angus of Claremont spoke for the original bill without either amendment.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

The Chair declared a 40 minute recess.

After Recess

The question is on substitution of the minority report for the majority report.

Mr. Danforth of Manchester spoke in favor of the motion.

The Clerk read a letter addressed to Mr. Danforth.

Mr. Green of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Crosby of Hillsborough and Mr. Geisel of Manchester spoke against the motion.

(discussion ensued)

Mr. Plumer of Bristol requested a division vote.

A division vote being had and 150 members having voted in the affirmative and 173 members having voted in the negative the motion to substitute was lost.

Mr. Plumer of Bristol demanded the Yeas and Nays.

Yeas, 168

GRAFTON COUNTY: Eastman of Ashland, Gilbert, Stevenson, Plumer, Graham of Canaan, Sanborn of Enfield, Hayward of Hanover, Chamberlain of Holderness, Clement of Landon, Beard, Coutermarsh, Guay of Lebanon, Porter, McGee, Burrill, Kelley, Birch, Cushman, Kinghorn, Bell, Loiseaux, Bradley of Thornton, Davis of Woodstock.

COOS COUNTY: Fortier, Perrault, Desilets, Brungot, Christiansen, Bouchard, Gagnon, Oakes, Emerson, Crockett,

Graham of Gorham, Bragg, Swett, Potter, Bushey, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Blair, Sanborn of Hampton Falls, Palmer of Kensington, Cheney, Carter, Pinkham, Dame, Blaisdell, Carkin, Roulston, Gordon of Sandown, Felch.

STRAFFORD COUNTY: Blanchette, Leighton, Wiggin of Dover, Desjardins, Dunnington, Stonemetz, Colbath, Richardson, Flanagan, Littlehale, Drew, Randall, Rolfe, Maxfield, Watson of Rochester, St. Pierre, Johnson of Rochester, Boisvert of Rollinsford, Habel, Cormier.

BELKNAP COUNTY: Watson of Belmont, Lacaille, Prescott of Laconia, Pickering of Meredith, Smith of Meredith, Urie, Howe.

CARROLL COUNTY: Hill, Brown of Sandwich.

MERRIMACK COUNTY: Guilbeault, Bates, Dowd, Gibson, Lessels, O'Neil of Concord, Saltmarsh, Chase of Concord, Carr, Lafond of Hooksett, Montgomery, Plourde, Thibeault of Pembroke, Hunt.

HILLSBOROUGH COUNTY: Aucella, Nickerson of Goffstown, Goodwin, Daneault, Gallagher, Ainley, Green, Pettigrew, Danforth, Goode, Cullity, Burke, Healy of Manchester, Ward 5, Armstrong of Manchester, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Lafrance, Delisle, Hurley, Lafond of Manchester, Levasseur, Daniel, DeGrace, Rousseau, Cole, Saunders, Underhill, Thibault of Nashua, Belcourt, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Chartrain, Bissonnette, Bouley, Grandmaison, Latour, Sabliski, Bouthillier, Gingras.

CHESHIRE COUNTY: Gowing, Pike, Gordon of Jaffrey, Haley, Terrill, Wheeler, Brown of Keene, Faulkner, Miskelly, Kretowicz, Forbes, Ballam, Terry, Frost.

SULLIVAN COUNTY: Bradbury, Gaffney, Phillips, D'Amante, Bailey, Brown of Newport, Downing, Rowell, Spalding, Philbrick of Springfield, Merrifield.

Nays, 177

GRAFTON COUNTY: Bucklin, Willey, Monahan, Neale,

Larty, McMeekin, Whipple, Haskins, Johnson of Monroe, Barney, Breck.

COOS COUNTY: Sheridan, Lacasse of Berlin, Marsh.

ROCKINGHAM COUNTY: Griffin of Auburn, Persson, Spollett of Chester, Bisbee, Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Long, Shepard, Jenkins, Sheehy, Labranche, Palmer of Plaistow, Dondero, Keefe, Wood, Wardwell, White of Portsmouth, Ward 4; White of Portsmouth, Ward 5; Cross, Langford, Philbrick of Rye, Peever, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Grimes, Calcutt, Bevan, Reid, Moulton, Lacasse of Rochester, Clement of Rochester, Maloomian, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Lord, Snow, Harkins, Normandin, Ayre of Laconia, Karagianis, MacIsaac, Varrell.

CARROLL COUNTY: Chandler, Downs, Nickerson of Madison, Lamprey, Diffenderfer, Nickerson of Tamworth, Hodgdon, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Phelps, Hanson, Moore, Laflamme, Davis of Concord, Henry, Hancock, Woodman, Robinson of Concord, Mannion, Gove, Newell, Rufo, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Carpenter, Mulaire, Presby, Perry, London, Burleigh, Ayer of Pittsfield, McGrath, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Farwell, Herrick, Vadney, Branch, Hambleton, Poore, Taft, Pickering of Hancock, Crosby, Gamache, Legallee, Lang, Geisel, Pillsbury, Sullivan, Tobin, Nolan, Betley, Manning, Walsh, Casey, Leclerc, Tessier, Champagne, Compagna, Cary, Morris, Belanger, King, Noel, Martel of Manchester, Ward 12; Maston, Nalette, Dion of Manchester, Gauthier, Crowley, Vachon, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cooper, Trombly, Pappagianis, Ryan, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: O'Neil of Chesterfield, Turner,

Stearns, Spofford, McCullough, Bennett, Pickett, Oliver, Bouvier, Hackler, Congdon.

SULLIVAN COUNTY: Frizzell, Nahil, Desnoyer, Davis of Cornish, Marx, Wirkkala, Delude.

Mr. Styles of Northumberland voting Yes, paired with Mr. Kimball of Manchester voting No.

Mr. Varney of Rochester voting Yes, paired with Mrs. Hartigan of Rochester voting No.

Mr. Angus of Claremont voting Yes, paired with Mr. O'Shan of Laconia voting No.

168 members having voted in the affirmative, and 177 members having voted in the negative, the motion to substitute did not prevail.

The question is now on the amendment as offered by the majority of the committee.

On a *viva voce* vote the amendment was adopted.

A division being requested, and 166 members having voted in the affirmative and 172 members having voted in the negative, the amendment was not adopted.

Mr. Pickett of Keene moved that House Bill No. 272 be indefinitely postponed, and spoke in favor of the motion.

Messrs. Pillsbury of Manchester, Branch of Goffstown, Geisel of Manchester, Crosby of Hillsborough, and Mrs. Delude of Unity spoke in favor of the motion.

(discussion ensued)

Messrs. Green of Manchester and Stevenson of Bethlehem spoke against the motion.

Mr. Angus of Claremont spoke against the motion.

Mr. Willey of Campton moved the previous question, and it was sufficiently seconded.

The question being, Shall the main question now be put?

On a *viva voce* vote the motion prevailed.

The question being on the motion by Mr. Pickett of Keene, that House Bill No. 272 be indefinitely postponed.

Mr. Hancock of Concord demanded the Yeas and Nays.

Yeas, 194

MERRIMACK COUNTY: Phelps, Hanson, Moore, La-Flamme, Henry, Hancock, Woodman, Lessels, Robinson of

Concord, Mannion, Saltmarsh, Gove, Newell, Chase of Concord, Rufo, Carr, Boomhower, Gilman of Franklin, Charland, Carpenter, LaFond of Hooksett, Mulaire, Presby, Perry, London, Burleigh, Ayer of Pittsfield, McGrath, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Farwell, Herrick, Vadney, Branch, Hambleton, Poore, Taft, Pickering of Hancock, Crosby, Gamache, Legallee, Lang, Pettigrew, Geisel, Pillsbury, Sullivan, Tobin, Betley, Manning, Casey, LaFrance, LeClerc, Tessier, Champagne, Compagna, Cary, Belanger, King, Hurley, LaFond of Manchester, Noel, Martel of Manchester, Ward 12, Maston, Nalette, Dion of Manchester, Gauthier, Crowley, Vachon, Peaslee of Merrimack, Deans, Hayward of Milford, Cooper, Saunders, Trombly, Pappagianis, Chartrain, Ryan, Locke, Thompson of New Ipswich, Hodgman, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: O'Neil of Chesterfield, Turner, Stearns, Spofford, Terrill, Bennett, Brown of Keene, Faulkner, Pickett, Oliver, Bouvier, Heckler, Congdon.

SULLIVAN COUNTY: Frizzell, Nahil, D'Amante, Desnoyer, Davis of Cornish, Marx, Wirkkala, Philbrick of Springfield, Delude.

GRAFTON COUNTY: Bucklin, Willey, Hayward of Hanover, Monahan, Neale, Chamberlain of Holderness, Guay of Lebanon, Porter, Whipple, Birch, Haskins, Johnson of Monroe, Kinghorn, Barney, Breck.

COOS COUNTY: Sheridan, LaCasse of Berlin.

ROCKINGHAM COUNTY: Griffin, Spollett of Chester, Bisbee, Clark, Gay of Derry, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Weeks, Spollett of Hampstead, Hunter, Long, Shepard, Jenkins, Sheehy, LaBranche, Cheney, Palmer of Plaistow, Dondero, Keefe, Wood, Wardwell, Blaisdell, White of Portsmouth, Ward 5, Carkin, Langford, Philbrick of Rye, Peever, Felch, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Grimes, Calcutt, Bevan, Littlehale, Randall, Reid, Moulton, Maxfield, LaCasse of

Rochester, Johnson of Rochester, Maloomian, Habel, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Lord, Snow, Harkins, Normandin, Ayre of Laconia, Karagianis, MacIsaac, Varrell.

CARROLL COUNTY: Chandler, Downs, Hill, Nickerson of Madison, Lamprey, Brown of Sandwich, Nickerson of Tamworth, Chamberlain of Wolfeboro, Claflin.

Nays, 159

MERRIMACK COUNTY: Guilbeault, Bates, Dowd, Davis of Concord, Gibson, O'Neil of Concord, Thompson of Franklin, Leonard, Montgomery, Plourde, Thibeault of Pembroke, Hunt.

HILLSBOROUGH COUNTY: Aucella, Nickerson of Goffstown, Goodwin, Daneault, Gallagher, Ainley, Green, Danforth, Goode, Hart of Manchester, Cullity, Nolan, Burke, Healy of Manchester, Ward 5, Walsh, Armstrong of Manchester, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Delisle, Morris, Levasseur, Daniel, DeGrace, Rousseau, Falconer, Cole, Underhill, Thibault of Nashua, Belcourt, Brosnahan, Griffin of Nashua, Maynard, Dionne of Nashua, Marcoux, Boisvert of Nashua, Bissonette, Bouley, Grandmaison, Latour, Sabluski, Bouthillier, Gingras.

CHESHIRE COUNTY: Gowing, Pike, Gordon of Jaffrey, Haley, McCullough, Wheeler, Miskelly, Kretowitz, Forbes, Ballam, Terry, Frost.

SULLIVAN COUNTY: Bradbury, Gaffney, Angus, Phillips, Bailey, Brown of Newport, Downing, Rowell, Spalding, Merrifield.

GRAFTON COUNTY: Eastman of Ashland, Gilbert, Stevenson, Plumer, Graham of Canaan, Sanborn of Enfield, Larty, McMeekin, Clement of Landaff, Beard, Coutermarsh, McGee, Burrill, Kelley, Cushman, Bell, Loizeaux, Bradley of Thornton, Davis of Woodstock.

COOS COUNTY: Fortier, Perrault, Desilets, Brungot, Christianson, Bouchard, Gagnon, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Bragg, Swett, Potter, Bushey, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Blair, Sanborn of Hampton Falls, Palmer of Kensington, Twardus, Carter, Pinkham, Dame, White of Portsmouth, Ward 4, Cross, Roulston, Gordon of Sandown, Robinson of South Hampton.

STRAFFORD COUNTY: Blanchette, Leighton, Wiggin of Dover, Desjardins, Dunnington, Stonemetz, Colbath, Richardson, Flanagan, Drew, Rolfe, Watson of Rochester, St. Pierre, Clement of Rochester, Varney, Boisvert of Rollinsford.

BELKNAP COUNTY: Watson of Belmont, Lacaillade, Prescott of Laconia, Pickering of Meredith, Smith of Meredith, Urie, Atwood, Howe.

CARROLL COUNTY: Diffenderfer, Hodgdon.

194 members having voted in the affirmative, and 159 members having voted in the negative, House Bill No. 272 was indefinitely postponed.

Senate Message

The Senate Message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 165, An Act relative to vacancies in state classified service.

Introduction of a Senate Bill

Senate Bill No. 165, An Act relative to vacancies in state classified service, was introduced, read a first and second time, and referred to the Committee on Executive Departments and Administration.

Mr. McMeekin of Haverhill moved that the rules be so far suspended as to dispense with reference to committee and public hearing, and that the bill be put on third reading and final passage at the present time be by title only, and spoke in favor of the motion.

Mr. King of Manchester explained the bill.

On a *viva voce* vote, the motion prevailed, and Senate Bill No. 165 was read a third time, passed, and sent to the Secretary of state to be engrossed.

The Senate Message further announced that the Senate

has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 432, An Act relative to duties of deputy labor commissioner.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1 *Deputy Labor Commissioner.* Amend RSA 273:7 (supp) as amended by 1955, 323:2 by striking out said section and inserting in place thereof the following:

On motion of Mr. Angus of Claremont, the House concurred in the Engrossed Bills amendment sent down by the Honorable Senate.

The Senate Message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations.

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2 *Additional Powers.* Amend RSA 154 by inserting after section 30-g (supp) as inserted by 1957, 277:1 the following new section: 154:30-h *Gifts.* A district

On motion of Mr. McMeekin of Haverhill, the House concurred in the Engrossed Bills amendment sent down by the Honorable Senate.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 30, An Act relating to deposits of public funds.

Amend section 3 of said bill by striking out the word "be" in the tenth line and inserting in place thereof the words, the town treasurer.

On motion of Mr. Dutton of Peterborough, the House concurred in the Engrossed Bills amendment sent down by the Honorable Senate.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 39, An Act relating to the banking department.

Amend section 1 of said bill by striking out the last sentence and inserting in place thereof the following:

In case of the temporary disability of the commissioner, or of a vacancy in the office, the deputy shall have the powers and perform the duties of the commissioner until another commissioner is appointed and qualified.

Amend section 7 of said bill by striking out the first two lines and inserting in place thereof the following:

7 Additional Examinations. Amend RSA 283 by inserting after section 10 the following new section: 283:10-a *Other Accountants or Experts.* Whenever he considers it necessary the

On motion of Mr. Dutton of Peterborough, the House concurred in the Engrossed Bills amendment sent down by the Honorable Senate.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 325, An Act relating to the Korean Bonus.

The Senate message further announced that the Senate has voted to adopt the Committee of Conference report on the following entitled bill:

House Bill No. 322, An Act relative to definitions, power of labor commissioner and benefits under Workmen's Compensation Law.

The Committee of Conference to whom was referred House Bill No. 322, An Act relative to definitions, power of

labor commissioner and benefits under Workmen's Compensation law, having considered the same, reported the same with the following recommendations:

That the House recede from its position of nonconcurrence and concur with the Senate in the adoption of its amendment; and that the following amendment be adopted:

Amend section 15 of the bill by striking out the word and figure "July 1" and inserting in place thereof, July 15, so that said section as amended shall read as follows:

15 *Takes Effect.* This act shall take effect July 15, 1959 except for section 1 thereof which shall take effect on September 1, 1959.

E. J. BENNETT,
MARYE WALSH CARON,

Conferees on the Part of the Senate

GEORGE W. ANGUS,
ERNEST W. SALTMARSH,
CLARENCE LACASSE,

Conferees on the Part of the House

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 288, An Act relating to defamation by radio or television.

House Bill No. 303, An Act regulating trading stamp companies.

Senate Bill No. 108, An Act to restrict power boating on Otter Lake and Sunset Lake in Greenfield.

The Chair announced that Mr. Vincent of Somersworth is 68 years old today.

The Chair also announced that Mr. Terrill of Ward 1, Keene is 39 today.

On motion of Mr. Pickett of Keene, the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit the third reading of bills

by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

The following House Bill was read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 479, An Act to repeal charters of certain corporations.

On motion of Mrs. Ayer of Pittsfield, the House adjourned at 4:10 o'clock.

THURSDAY, JULY 16, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O God, we pray Thee for this, the State of our love and pride. We rejoice in her spacious beauty and her busy ways of commerce, in her stores and factories where hand joins hand in toil, and in her blessed homes where heart joins heart for rest and love. Help us to make our State the common workshop of our people, where everyone may find his place and work, keen to do his best with hand and mind. Bind our citizens together by neighborly goodwill, by the thrill of common joys, and the pride of common possessions. May we ever remember that our State's true wealth and greatness consist not in the abundance of the things which we possess but in the justice of her institutions and in the brotherly ways of her citizens. We pray, that those of us bowed here in prayer, may be an example in this wise to the people whom we strive to serve. Amen.

Pledge of Allegiance to the Flag

Mr. Terrill of Keene led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Merrill of Exeter was granted an indefinite leave of absence on account of illness.

Mrs. Roulston of Salem and the Messrs. Chase of Durham, London of New London, Marx of Langdon, Hart of Manchester, Hanson of Bow and Varney of Rochester were all granted leaves of absence for the day on account of important business.

Reports of Standing Committees

Mr. Bell of Plymouth, for the Committee on Appropriations to whom was referred Senate Bill No. 116, An Act relative to the construction of state armories, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Reconsideration

Mr. Terry of Westmoreland moved that the House reconsider its vote whereby it passed House Bill No. 103, An Act relating to school buses, and spoke in favor of the motion.

Mr. Bisbee of Derry and Mrs. Brown of Sandwich spoke in favor of the motion.

Notice of Reconsideration

Mr. King of Manchester served notice that today, or some subsequent day, he will request the House to reconsider its vote whereby it passed Senate Bill No. 165, An Act relative to vacancies in state classified service.

The question being on the motion of reconsideration on House Bill No. 103.

Messrs Urie of New Hampton, McGee of Lincoln, Crosby of Hillsborough, Healy of Manchester, Mrs. Frizzell of Charlestown and Mrs. Chase of Concord spoke against the motion.

Messrs. Branch of Goffstown, Nickerson of Goffstown, Chandler of Bartlett, Burrill of Littleton, Watson of Belmont, Deans of Milford, Pillsbury of Manchester, Charland of Franklin and Rollins of Alton spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being, should House Bill No. 103 be reconsidered.

On a *viva voce* vote the motion did not prevail.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis.

Amend section 15 of said bill by inserting after the words, two other members, in line 3 thereof, the words, one from each major political party, so that said section as amended shall read as follows:

15 *Board of Recount.* There shall be a board of recount of three members consisting of one member of the board of aldermen, designated by the mayor, and two other members, one from each major political party, not members of the board of aldermen, elected by the board of mayor and aldermen. The terms of office of said member of the board of recount shall be two years.

Mr. Pillsbury of Manchester moved that the House non-concur in the Senate amendments and requested a Committee of Conference.

On a *viva voce* vote the motion was adopted and the Chair appointed as members of such committee on the part of the House, Messrs. King, Green and Dion of Manchester.

The Senate message further announced that the Senate has passed the following Concurrent Resolution in the passage of which it asks the concurrence of the House of Representatives:

Concurrent Resolution

Inviting Judge David Williams, the National Commander of the Disabled American Veterans to address the Legislature.

Whereas, Judge Williams will make a visit to New Hampshire on Thursday, July 23rd, therefore be it

Resolved, by the Senate, the House of Representatives concurring, That Judge Williams be invited to address the Senate and House in Joint Convention on that day.

On motion of Mr. Bisbee of Derry the House concurred in the Concurrent Resolution.

The Senate message further announced that the Senate has recalled from the Governor the following entitled bills for further consideration by the Senate.

House Bill No. 364, An Act establishing the humane slaughter law.

Senate Bill No. 75, An Act relative to political expenditures.

Resolutions

Mr. Gilman of Farmington offered the following resolutions:

Whereas, Brigadier General Walter E. Arnold, Commander of Pease Air Force Base since the activation of said Base, has been reassigned to a new place of duty, and soon will be leaving our State, and

Whereas, Brigadier General Arnold in all ways cooperated with state and local officials in the numerous problems arising out of the establishment and operation of a huge defense facility in a populous section of New Hampshire, and used the full prestige of his office as Commander to develop and maintain harmonious relationships between civilian and military organizations and personnel, and

Whereas, the manner in which he has performed his duties as Commander of Pease Air Force Base in his dealings with the officials and the people of the state of New Hampshire is in the highest tradition of the military service and is a credit to him and to the United States Air Force, therefore be it

Resolved, That the House of Representatives of the New Hampshire General Court commend Brigadier General Walter E. Arnold for the outstanding manner in which he exercised his command at Pease Air Force Base and, be it further

Resolved, That a copy of these resolutions be forwarded to

General Arnold, and a copy thereof to the Secretary of the Air Force.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Reading

Senate Bill No. 116, An Act relative to the construction of state armories, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Goodwin of Hollis the House adjourned at 12:34 o'clock.

TUESDAY, JULY 21, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Dr. Raymond B. Bragg, of Kansas city, Kansas, as follows:

Source of Life, of whom we are, when the world in which we have our being threatens us with too many duties may we seek and find

the courage to forebear;
the strength to persevere;
the patience to wait, and
the insight to see.

And may we find, as well, the composure to be
constant in devotion;
resolute in trouble;
brave in peril.

We would know that in all we plan, in all we do there must be a better change for manhood and womanhood, a freer air, a grander openness, a fuller person initiative; that there

be more laughter and freedom and fine spontaneous humanity — for only then can there be priceless gain. Amen.

Pledge of Allegiance to the Flag

Mr. Swett of Lancaster led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced Roland Dorr, Postmaster of Littleton as guest of the House today, courtesy of Mr. Burrill of Littleton.

The Chair also introduced Ronald Perrault, son of Representative Perrault of Berlin, as guest of the House today.

Leaves of Absence

Mr. Washburn of Alstead was granted leave of absence for the week on account of illness.

Mr. Robinson of Concord was granted leave of absence for the week on account of important business.

Messrs. Clark of Derry and Nickerson of Madison were granted leaves of absence for the day on account of illness.

Mr. Rolfe of Ward 1, Rochester was granted leave of absence for the day on account of important business.

Personal Privilege

Mrs. Davis of Concord rose on account of personal privilege.

Introduction of Bills

The following House bills were severally introduced, read a first and second time, and referred as follows:

By Committee on Rules (Mr. Brown of Keene), House Bill No. 502, An Act relative to the charter of the city of Keene as to filling vacancies. To the Keene Delegation.

By Committee on Rules (Portsmouth Delegation), House Bill No. 503, An Act relative to the New Hampshire State Port Authority. To the Committee on Public Works.

Reports of Standing Committees

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 488, An Act to reimburse

innocent depositors of Valley Trust Company for losses suffered, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 42, An Act relating to utility poles, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following new section:

5 *Liability for Injuries*. Amend RSA 254:18 by striking out the same and inserting in place thereof the following: 254:18 *To Party Injured*. Any party receiving injury in his person or estate from any pole, or structure, or underground conduit or cable, or any attachment or appurtenance thereto within the highway limits may maintain an action for damages against the proprietor of the object causing such injury if such injury has been caused by the location of the object so as to interfere with the safe, free and convenient use of the highway, or by the negligent construction, operation or maintenance of such object; provided, however, that where a pole is unlicensed, the burden of proving that the object causing injury did not interfere with the safe, free and convenient use of the highway, or that such object was not negligently constructed, operated or maintained shall be upon the proprietor of such object. The provisions of this section shall not apply to actions for damages based upon injuries occurring prior to the effective date hereof.

On a *viva voce* vote the amendment was adopted and the Senate Bill was ordered to a third reading.

Mr. Haley of Keene, for the Committee on Judiciary to whom was referred House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Green of Manchester moved that House Bill No. 489

be made a Special Order of Business at 11:01 o'clock on Tuesday next.

Mr. Geisel of Manchester spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. LaBranche of Newmarket, for the Committee on Liquor Laws to whom was referred House Bill No. 424, An Act relative to drinking in unlicensed public places, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Charland of Franklin spoke in favor of the resolution of the committee.

Mr. Deans of Milford moved to substitute the words "Ought to Pass" for "Inexpedient to Legislate", and spoke in favor of the motion.

(discussion ensued)

Mr. Underhill of Nashua spoke against the motion.

Mr. Pickett of Keene moved that further consideration of House Bill No. 424 be indefinitely postponed and spoke in favor of the motion.

Mr. Charland of Franklin spoke in favor of the motion.

Mr. Wardwell of Portsmouth spoke in favor of the motion.

Mr. Deans of Milford spoke against the motion.

On a *viva voce* vote House Bill No. 424 was indefinitely postponed.

Mr. Hancock of Concord requested a division vote.

The division vote being manifestly in the affirmative the motion to indefinitely postpone House Bill No. 424 prevailed.

Mr. Twardus of Newmarket, for the Committee on Military and Veterans' Affairs to whom was referred House Bill No. 79, An Act authorizing Norman Smith to apply for Korean bonus, having considered the same, reported the same with the following Resolution:

Resolved, Inexpedient to legislate, subject matter covered by House Bill No. 325.

On a *viva voce* vote the amendment was adopted.

Mr. Twardus of Newmarket, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 292, An Act empowering the authorized representative of the estate of Albert Manchester to apply for Korean bonus, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Bill No. 325.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Collishaw of Exeter, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 135, An Act relative to borrowing by municipalities, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 2 of said bill by striking out the words "to an amount exceeding five per cent of the total assessed valuation of such district as last equalized by the tax commission" in lines 10, 11 and 12 and inserting in place thereof the words, if organized for grades nine through twelve to an amount exceeding five per cent, and for secondary school purposes if organized for grades seven through twelve to an amount not exceeding six per cent of the total assessed valuation of such district as last equalized by the tax commission, so that said section as amended shall read as follows:

2 *Change in Amount*. Amend paragraph III of RSA 195:6 (supp) as amended by 1957, 126:2 by striking out the same and inserting in place thereof the following: II. Whenever only a part of the educational facilities of a local school district are incorporated into a cooperative school district, such local district shall continue in existence and function as previously. The cooperative school district shall assume only those outstanding debts and obligations of the school district which pertain to the property acquired by the cooperative school district for use by the cooperative school district. In such case no cooperative school district shall for elementary school purposes incur debt to an amount exceeding five per

cent, and for secondary school purposes, if organized for grades nine through twelve, to be amount exceeding five per cent, and for secondary school purposes, if organized for grades seven through twelve, to an amount not exceeding six per cent of the total assessed valuation of such district as last equalized by the tax commission. No cooperative school district shall incur indebtedness if it subjects the taxable property of any school district forming a part thereof to debt, when added to the debt of such school district, of more than ten per cent of the value of such taxable property.

The Clerk read the amendment in full.

Mr. Deans of Milford explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Barker of Stratham, for the Committee on Municipal and County Government, to whom was referred House Bill No. 475, An Act changing a part of the boundary line between the towns of Stratham and Exeter, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Peaslee of Merrimack, for the Committee on Municipal and County Government, to whom was referred House Bill No. 467, An Act providing that temporary loans may be made by towns in anticipation of bonds or notes, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out the title and inserting in place thereof the following:

An Act providing that temporary loans may be made by the town of Hampton in anticipation of the issuance of bonds or notes.

Further amend the bill by striking out section 1 and inserting in place thereof the following:

1 *Borrowing by Town of Hampton.* Despite the provisions of any other law or statute, the town of Hampton in Rockingham county may, whenever it votes to issue bonds or serial notes in accordance with the provisions of the Muni-

cial Finance Act, RSA Chapter 33, the officers authorized to issue the same, in the name of the town of Hampton may make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of such bonds and notes and may issue notes therefor, but the time within which final payment of such securities shall be made shall not be extended by reason of the making of such temporary loan beyond the time fixed in the vote authorizing the issue of such bonds or notes, and notes issued hereunder for temporary loans may be refunded by the issue of other notes maturing within one year provided that annual payments on any such notes shall be made in accordance with RSA 33:2 and further provided that no notes shall be refunded hereunder except under authority of such vote as is required for the original borrowing.

Mr. Deans of Milford moved that reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Ayre of Laconia, for the Committee on Public Works, to whom was referred House Bill No. 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously considered by the Rules Committee.

The Clerk read the bill in full.

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

1 *Temporary Appropriations.* Amend chapter 174:1, Laws of 1959, by striking out said section and inserting in place thereof the following: 174:1 *Appropriation.* There is hereby appropriated for the general expenses and encum-

brances of the state government during the month of July, 1959, the sum of twenty-one million three hundred seventy thousand dollars, or so much thereof as may be necessary, to be expended and encumbered in the manner hereinafter provided, that is to say six million dollars from general funds; one million two hundred thousand dollars from special funds; one hundred seventy thousand dollars from fish and game funds; and fourteen million dollars from highway funds. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriations out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. The Director of the Division of Accounts is authorized, as provided by RSA 8:13, to maintain a system of encumbrance accounting to control expenditures and commitments within the amounts appropriated in this section. Such expenditures and encumbrances shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

2 *Expenditure and Encumbrance of Funds.* Amend chapter 174:2, Laws of 1959, by striking out said section and inserting in place thereof the following: 174:2 *Expenditure and Encumbrance of Funds.* The expenditure and encumbrance of the funds provided by section 1 hereof shall be made at the rate and in the manner set forth in the proposed budget as submitted to the 1959 legislature by the governor, unless otherwise authorized by the governor with the advice and consent of the council.

Mr. Pillsbury of Manchester explained the bill.

On a *viva voce* vote the motion was adopted.

Introduction of a Bill

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, was introduced, read a first and second time and referred to the Committee on Appropriations.

Mr. Pillsbury of Manchester moved that the rules of the House be further suspended as to dispense with printing, reference to committee and that the bill be put on third reading and final passage at the present time by title only.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Bennett of Keene moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 502 and spoke in favor of the motion.

The Clerk read the bill in full.

House Bill No. 502

An Act relative to the charter of the city of Keene as to filling vacancies.

Be it enacted by the Senate and House of Representatives in General Court convened:

1 *City of Keene.* Amend section 9 of chapter 439 of the Laws of 1949 by striking out said section and inserting in place thereof the following: 9 *Tie Vote and Vacancies.* In case of a tie rendering impossible the determination of the choice to any office, the incoming city council at its first meeting, shall by ballot and majority vote, choose from the candidates between whom such tie exists, the person to fill such office. In case a vacancy occurs in any such office from any cause, the city council shall choose some qualified person not already a member of that body to fill the same until the next regular election at which time his successor shall be elected. If the vacancy so filled is that for a four-year term the city clerk in preparing the ballots for the primary and for the regular election shall include thereon an additional place for the nomination and election for the unexpired term. Separate filing shall be made for nomination for such unexpired term and the names of the two candidates for councilmen receiving the largest number of votes cast at the primary for said unexpired term shall be printed upon the ballot at the succeeding municipal election as nominees for such office. At the election the candidate receiving the larger number of votes cast at said election for said office shall be declared elected to fill said unexpired term.

2 *Referendum.* This act shall not take effect unless it is adopted by a majority vote of the legal voters present and voting at the municipal election to be held in the city of

Keene in November, 1959. The city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act entitled 'An Act relative to the charter of the city of Keene as to filling vacancies' be adopted?" Beneath this question shall be provided the word "Yes" and the word "No" with a square immediately opposite each said word in which the voter may indicate his choice. If a majority of those voting on this question vote in the affirmative on this question this act shall be declared to have been adopted.

3 *Takes Effect.* The provisions of section 2 relative to referendum on the question shall take effect upon the passage of this act and the remainder of the act shall take effect as herein otherwise provided.

On a *viva voce* vote the motion was adopted.

Announcement

The Chair announced that today is the 86th birthday of Mr. Bennett of Keene.

Mr. Bennett of Keene moved that the rules of the House be further suspended as to dispense with reference to committee and public hearing on House Bill No. 502 and that the bill be placed on third reading and final passage at the present time by title only.

On a *viva voce* vote the motion prevailed.

Third Reading

House Bill No. 502, An Act relative to the charter of the city of Keene as to filling vacancies, was read a third time, passed, and sent to the Senate for concurrence.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 234, An Act relative to payment of costs in cooperative school districts.

House Bill No. 496, An Act establishing the First Light Battery, New Hampshire Volunteers.

The Senate message further announced that the Senate has voted to refer the following entitled bill to the Judicial Council:

House Bill No. 290, An Act relative to the destruction of records of conditional sales and chattel mortgages.

Report of Committee on Engrossed Bills

Mr. Lacasse of Berlin, for the Committee on Engrossed bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 119, An Act relative to clams, clam worms and oysters.

House Bill No. 234, An Act relative to payment of costs in cooperative school districts.

House Bill No. 325, An Act relating to the Korean Bonus.

House Bill No. 432, An Act relative to duties of deputy labor commissioner.

Senate Bill No. 30, An Act relating to deposits of public funds.

Senate Bill No. 39, An Act relating to the banking department.

Senate Bill No. 116, An Act relative to the construction of state armories.

Senate Bill No. 149. An Act relative to the election of directors of fire mutual aid associations.

Resolutions

Mr. Coutermarsh of Lebanon offered the following resolutions:

Whereas, Lane Dwinell of Lebanon has been appointed by President Dwight D. Eisenhower to the position of Assistant Secretary of State and the appointment has been confirmed by the United States Senate, and

Whereas, Lane Dwinell has served well his community and state in many capacities, including Speaker of the House of Representatives, President of the State Senate, Governor of the State of New Hampshire, and always has been dedicated to the people in all his undertakings, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire congratulate our former Fellow Member and our Former Governor in

attaining this high position in our national capital, commend him on his many accomplishments and extend our best wishes for success and happiness in this new and important office, and be it further

Resolved, That the Clerk of the House transmit to Secretary Dwinell a copy of these resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Thompson of Wilmot offered the following resolutions:

Whereas, we have learned of the death of Sherman P. Fellows of Salisbury, and

Whereas, Mr. Fellows represented that town in the House of Representatives, therefore be it

Resolved, That we, the members of this House of Representatives in General Court convened do hereby extend our sympathy to his family in its bereavement and, be it further.

Resolved, That a copy of these resolutions be transmitted to his family.

On a *viva voce* vote the resolutions were adopted.

Mr. Clement of Rochester offered the following resolutions:

Whereas, Lt. Ivan Hilton Hayes of Strafford, finger print expert of the State Police Department, has passed away, and

Whereas, He served the department faithfully and well, having been with the department since its inception in 1937, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to Lt. Hayes for the faithful performance of his duties and extend our deep sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the family a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

Mrs. Berry of Barrington offered the following resolutions.

Whereas, Cassie B. Haley, a former representative from Barrington, has passed away, and

Whereas, Mrs. Haley has also served her town as a member of the school board and as a supervisor of the checklist, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby pay tribute to our former Fellow Member for her services to her town and state and extend our sympathy to her family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to her son, Dr. Waldron B. Haley.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that last Thursday was the birthday of Ralph Wiggin of Bedford.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 467, An Act providing that temporary loans may be made by the town of Hampton in anticipation of bonds or notes.

House Bill No. 475, An Act changing a part of the boundary line between the towns of Stratham and Exeter.

House Bill No. 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations.

The following Senate Bills were severally read a third time, passed, and sent to the Senate for concurrence in the House amendments:

Senate Bill No. 42, An Act relating to utility poles.

Senate Bill No. 135, An Act relative to borrowing by municipalities.

On motion of Mrs. Ainley of Manchester the House adjourned at 12:25 o'clock.

WEDNESDAY, JULY 22, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Dr. Daniel K. Poling, from the Collegiate Church of the city of New York and the South Weare Union Church, as follows:

Our Father we know the privilege of this high office does not come to all. We hold it as a sacred trust. May each be adequate. So in humbleness we acknowledge our dependence upon Thee. We speak knowing our many responsibilities to this state as those entrusted with the welfare of many.

Help us that we may do well in the proper discharge of our duty; find the satisfaction that comes to those who serve their fellow with concern for detail and dedication to task. In His Name — Amen.

Pledge of Allegiance to the Flag

Mrs. Herrick of Deering led the Convention in the Pledge of Allegiance to the Flag.

His Excellency, Governor Wesley Powell then addressed the Joint Convention.

On motion of Senator Cates from District No. 4 the Convention rose.

House

Introduction of Guests

The Chair introduced the following as Guests of the House today:

Dr. and Mrs. Daniel K. Poling and family from New York and Weare, N. H., and Mr. and Mrs. Donaldson and family from Chicago, courtesy of Mr. Eastman of Weare and Mrs. Herrick of Deering.

Mrs. Barbara P. Sears from Tucson, Arizona, daughter of Mr. Plumer of Bristol.

Leaves of Absence

Mr. Lessels of Concord was granted leave of absence for today and tomorrow on account of illness.

Mr. Wheeler of Keene was granted leave of absence for the day on account of illness.

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Introduction of a Bill

By Mrs. DeLude of Unity, House Bill No. 505, An Act providing for improvement of Newport-Croydon road, was introduced, read a first and second time and referred to the Committee on Public Works.

On motion of Mrs. DeLude of Unity printing of House Bill No. 505 was dispensed with.

House Bill No. 505, An Act providing for improvement of Newport-Croydon road.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 *Newport-Croydon Road.* The sum of six hundred thousand dollars is hereby appropriated for the improvement of the Newport-Croydon road a Class II highway. The sum hereby appropriated shall be expended by the department of public works and highways and shall be a charge upon the highway funds.

2 *Limitation.* The appropriation provided by section 1 shall not be available unless the income for the highway fund from all sources, for the fiscal year ending June 30, 1960, shall exceed the estimate of \$19,717,000 by the amount necessary to meet the said appropriation.

3 *Takes Effect.* This act shall take effect upon its passage.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, reported that they have examined and found correctly engrossed the following entitled House bill:

House Bill No. 496, An Act establishing the First Light Battery, New Hampshire Volunteers.

Reports of Standing Committees

Mrs. Ainley of Manchester, for the Special Committee consisting of the members from the city of Manchester to whom

was referred House Bill No. 107, An Act relative to powers of the Manchester Finance Commission, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Special Committee consisting of the Members from the City of Manchester to whom was referred House Bill No. 107, An Act relative to the powers of the Manchester Finance Commission, having considered the same, and being unable to agree with the majority reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by inserting after section 1 a new section as follows:

2 *Referendum*. The provisions of section 1 hereof shall not take effect unless it is adopted by a majority ballot vote as herein provided. At the regular municipal election to be held in the city of Manchester in November, 1959, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the law restoring the powers of the Manchester Finance Commission be accepted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each said word in which the voter may indicate his choice. If a majority of those voting on this question vote in the affirmative on this question this act shall be declared to have been adopted.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

3 *Takes Effect*. Section 2 of this act providing for a referendum shall take effect upon its passage. If the provisions of section 1 of this act are adopted at the referendum said section 1 shall take effect as of January 1, 1960.

GERARD J. BELANGER,
GERARD DeGRACE,
NICK HART,

A minority of the Committee.

The reports were accepted.

The Clerk read the minority amendment in full.

Mr. Hart of Manchester moved that House Bill No. 107 be

made a Special Order of business for 11:02 o'clock on Tuesday next.

On a *viva voce* vote the motion was adopted.

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred House Bill No. 457 (New Draft), An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out after the words "to wit" all words and figures relative to the legislative branch and inserting in place thereof the following: A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$39,253.00 for the office of legislative budget assistant to the appropriation and finance committees, and \$6,500.00 for the office of research analyst to the senate finance committee, as follows: (Salary of legislative budget assistant \$10,500.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$2,500.00, other expenditures \$2,000.00.*) (Salary of research analyst to the senate finance committee \$6,000.00, other expenditures

* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings, and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

\$500.00)	\$325,000.00
Legislative council†	2,500.00
Council of state governments	2,500.00
	<hr/>
Total for legislative branch	\$330,000.00
	<hr/> <hr/>

† The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

Amend the bill in the paragraph For judicial branch: For supreme court: by striking out the same and inserting in place thereof the following:

For supreme court:

Salaries of justices	\$76,040.00
Salary of clerk-reporter	9,756.00
Other personal services	6,040.00
Current expenses	3,620.00
Travel	2,000.00
Equipment	400.00
N. H. supreme court reports*	5,500.00

Total	\$103,356.00
Less estimated revenue	778.00

Net appropriation	\$102,578.00
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Further amend the bill in paragraph For Judicial branch: by changing the "Total for judicial branch" as follows: 328,004.70 changed to 328,404.70.

Amend the bill in the paragraph For administration and control: Division of budget and control: Other expenditures: Oasi contributions: by changing the figures for "state employees" as follows: 255,500.00 changed to 305,500.00; and by changing the figures for Teachers (40% of employer's contribution)" as follows: 187,500.00 changed to 212,500.00. Change "Total" for said subsection as follows: 503,219.14 changed to 578,219.14. Further amend said bill in the paragraph For administration and control: by changing the figures for "Total for administration and control" as follows: 861,289.37 changed to 936,289.37.

Amend the bill in the paragraph For public welfare: Blind services: Other expenditures: by changing the figures for "Blind education" as follows: 42,900.00 changed to 50,000.00; and by changing the figures for "Total" of said subsection as follows: 85,496.31 changed to 92,596.31.

Amend the bill in the paragraph For public welfare: Old age assistance: State's share, by striking out same and inserting in place thereof the following:

State's share	\$1,093,222.49
Less estimated revenue	104,816.00
	<hr/>
Net appropriation	988,406.49

Further amend the bill in the paragraph For public welfare: by changing the figures for "Total for public welfare" as follows: 3,267,291.43 changed to 3,279,820.43; and by changing the figures for "Net appropriation" as follows: 2,801,537.52 changed to 2,814,066.52.

Amend the bill in the paragraph For state police: by striking out the same and inserting in place thereof the following:
For state police:

Salary for superintendent	\$10,192.00
Other personal services	588,042.66
Current expenses	61,369.85
Travel	122,666.85
Equipment	75,096.50
Other expenditures:	
Retirement and oasi	34,658.34
	<hr/>
Total for state police	\$892,026.20
Less transfer from	
highway fund	667,211.73
Less transfer from	
turnpikes	107,071.22
	<hr/>
Net appropriation	<u>\$117,743.25</u>

Amend the bill in the paragraph for University of New Hampshire by striking out the words "Net increase in debt service" and inserting in place thereof the words Debt service.

Amend the bill in the paragraph for board of education: Education of deaf: by striking out the same and inserting in place thereof the following:

Education of deaf:	
Current expenses†	\$171,050.00

† These funds shall not be expended for any other purpose and no transfer shall be made therefrom.

Travel	400.00
	<hr/>
Total	171,450.00

Further amend said bill in the paragraph For board of education: by changing the figures for "Total for board of education" as follows: 3,862,878.56 changed to 3,899,828.56; and by changing the figures for "Less estimated revenue" as follows: 619,494.00 changed to 622,426.00. Also change figures for "Net appropriation" as follows: 3,243,384.56 changed to 3,277,402.56.

Amend the bill in the paragraph For bank commissioner: by striking out the words "Salary of deputy" and inserting in place thereof the words Salary of deputy bank commissioner; and by striking out the words "Salary of deputy for building and loan associations" and inserting in place thereof the words Salary of assistant bank commissioner.

Amend the bill in the paragraph For public works and highways: Legislative specials: by changing the figures for "Maintenance Class V highways" as follows: 100,000.00 changed to 200,000.00; and by changing the figures for "Total" of said subsection as follows: 1,164,140.91 changed to 1,264,140.91.

Amend the bill in the paragraph For public works and highways: Construction and reconstruction: Matching funds (federal aid) : by striking out same and inserting in place thereof the following:

Matching funds (federal aid) :	
Interstate	\$13,795,261.00
Primary	3,707,178.00
Secondary	2,456,804.00
Urban	856,173.00
	<hr/>
Total—matching funds†	\$20,815,416.00

† No transfer shall be made from this appropriation.

Amend the bill in the paragraph For public works and highways: Contingent fund: by changing the figures as follows: 1,250,000.00 to 1,150,000.00.

Amend the bill in the paragraph For public works and highways: Supplemental appropriation for construction, reconstruction and maintenance of highways by changing the footnote at the end of said paragraph as follows: after the words "No transfer shall be made from this appropriation." add the following words, A sum not exceeding 2% of this appropriation may be expended for the purchase of highway equipment.

Amend the bill following the paragraph "For central New Hampshire turnpike" by adding the following: Note: Any funds transferred or paid to the state police from the eastern and central New Hampshire turnpikes shall be from the appropriations made for said turnpikes.

Amend said bill by changing the figures for "Total net appropriation" as follows: 23,246,001.51 changed to 23,367,-948.51.

Amend section 11 of the bill by striking out the same and inserting in place thereof the following:

11 *State Classified Service: Special Provisions.* Whenever a position in the state classified service becomes vacant and the personnel survey authorized by 1955, 338:3 recommended that said position be deleted or down-graded, the governor, with the advice and consent of the council, may either abolish said position or down-grade the same in accordance with said recommendations. Any provisions of RSA 98, the state personnel system act, and rules or regulations thereunder, inconsistent with the provisions of this section are hereby suspended during the time this section is in effect. The authority hereby delegated to the governor and council shall expire as of July 1, 1961.

Amend said bill by inserting after section 11 the following new section:

12 *Salaries. Banking Department.* Notwithstanding any other provisions of law the annual salaries for the following officers shall be as follows:

	Minimum	Maximum
Assistant bank commissioner	\$7,500	\$8,850
Deputy bank commissioner	\$8,170	\$9,465

Such parts of RSA 94:1 (supp) as amended by an act passed at the 1959 session of the general court relative to the banking department, as may be inconsistent with the provisions of this section, are hereby repealed.

Amend said bill by inserting after section 12 the following new section:

13 *Temporary Highway Personnel.* Notwithstanding any provision to the contrary in RSA 98:17-a (supp), the department of public works and highways may employ temporary personnel for such periods of time as may be required to implement the highway program. Employment of all such temporary personnel shall terminate on June 30, 1961.

Further amend said bill by renumbering section 12 to read section 14.

At the request of Mr. Pillsbury of Manchester, Mr. McCullough of Keene explained parts of the amendment.

(discussion ensued)

Mr. King of Manchester explained further parts of the amendment.

(discussion ensued)

Mr. Gilman of Farmington rose on a point of inquiry.

On a *viva voce* vote the amendment was adopted.

The Chair declared a recess of one hour.

After Recess

The question is on House Bill No. 457 (In new draft), An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960.

Mr. Rowell of Newport explained the bill.

At the request of Mr. Gilman of Farmington, Miss Loizeaux of Plymouth explained parts of the budget.

Mr. Gilman of Farmington spoke regarding the budget in general.

Mr. Hunter of Hampton offered the following amendment:

Amend the paragraph relating to the Planning and Development Commission by inserting after the appropriation for the Vacation Bulletin the following:

Port Authority:

Harbor Masters	\$3,000.00
Other personnel services	3,000.00
Current expenses	4,000.00
Travel	1,000.00
Equipment	1,000.00

Total for port authority \$12,000.00

Further amend said paragraph by striking out the total for the Planning and Development Commission "\$355,142.25" and inserting in place thereof the figure, \$367,142.25.

The Clerk read the amendment in full.

Mr. Hunter of Hampton spoke in favor of the amendment.

(discussion ensued)

Mr. Gilman of Farmington answered a question by Mr. Malley of Somersworth.

Mr. Bell of Plymouth explained the position of the Appropriations committee regarding the amendment and spoke against it.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Sheridan of Berlin requested a division vote and subsequently withdrew his request.

Mr. Gilman of Farmington offered the following amendment:

On Page 110, lines 83, 84, 85, 86 shall be amended to read as follows:

Contingent fund — for construction, reconstruction and maintenance, upon request of the Commissioner and subject to Governor and Council approval, transfers from this appropriation may be made to other operating accounts as are required to carry out the construction, reconstruction and maintenance programs.

Further Amend House Bill 457 as follows:

Page 111 — Amend footnote following line 105 to read as follows: No transfer shall be made from this appropriation

other than to the construction, reconstruction and maintenance accounts.

Further Amend House Bill 457 as follows:

On Page 113, following line 11, insert the following footnote: Upon request of the Commissioner and subject to Governor and Council approval, revenue from the Blue Star Memorial Highway, Spaulding Turnpike, and Central New Hampshire Turnpike may be appropriated as required to provide for the normal maintenance and operation of each turnpike.

The Clerk read the amendment in full.

Mr. Gilman of Farmington spoke in favor of the amendment.

Mr. McCullough of Keene explained the amendment.

(discussion ensued)

Mr. Galloway of Walpole spoke in favor of the amendment.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the amendment.

(discussion ensued)

Messrs. Belcourt of Nashua and King of Manchester spoke against the amendment.

(discussion ensued)

Mr. Malley of Somersworth spoke against the amendment.

Mr. Pickett of Keene spoke in favor of the amendment.

Mr. McCullough of Keene spoke a second time against the amendment.

Mr. Pillsbury of Manchester spoke a second time in favor of the amendment.

Mrs. Gordon of Jaffrey requested a division of the question.

Mr. Pickett of Keene spoke a second time in favor of the amendment.

Mr. Belcourt of Nashua spoke a second time against the amendment.

Mrs. Davis of Concord spoke in favor of the amendment.

The Chair read Part 1 of the amendment.

Mr. Pillsbury of Manchester requested a division vote.

The division vote being manifestly in the affirmative Part 1 of the amendment was adopted.

Mr. Pillsbury of Manchester withdrew his request for a division vote on the remaining two parts of the amendment.

The Chair read Part 2 of the amendment.

On a *viva voce* vote Part 2 of the amendment was adopted.

The Chair read Part 3 of the amendment.

On a *viva voce* vote Part 3 of the amendment was adopted.

Mr. Chandler of Bartlett offered the following amendment.

Amend the paragraph for Public Works and Highways as follows: Strike out under Administration: "Salary of commissioner \$12,941.00" and insert in place thereof the words and figures, \$14,845.00.

Strike out the total "\$325,621.92" and insert in place thereof the total, \$327,525.92.

Strike out in the total for public works and highways in both places where it occurs the figure "\$44,721,303.98" and insert in place thereof the figure, \$44,723,207.98.

Further amend said bill by inserting after section 11 the following new section:

12 *Salary Commissioner of Public Works and Highways.* Amend RSA 94:1 by striking out the words and figures "Commissioner, public works and highways

Minimum	Maximum
\$11,232	\$12,896"

and inserting in place thereof the following:

Commissioner, public works and highways

Minimum	Maximum
\$12,000	\$14,800

Further amend said bill by renumbering section 12 to read section 13.

The Clerk read the amendment in full.

Mr. Chandler of Bartlett spoke in favor of the amendment.

Mr. Galloway of Walpole spoke in favor of the amendment.

Mr. Gilman of Farmington spoke against the amendment.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the amendment.

Mr. Jenkins of New Castle spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Gilman of Farmington offered the following amendment:

Amend the bill in the paragraph For public welfare: Old age assistance: by striking out same and inserting in place thereof the following:

State's share	931,449.00	
Less estimated revenue	86,000.00	
	<hr/>	
Net appropriation		845,449.00
Towns and counties	1,138,332.26	
Less estimated revenue	1,138,332.26	
	<hr/>	
Net appropriation		0.00
Federal*	2,483,547.00	
Less estimated revenue	2,483,547.00	
	<hr/>	
Net appropriation		0.00

Further amend the bill in the paragraph For public welfare: Old age assistance to aliens: by striking out same and inserting in place thereof the following:

Towns and counties	146,373.88	
Less estimated revenue	146,373.88	
	<hr/>	
Net appropriation		0.00
Federal*	184,871.52	
Less estimated revenue	184,871.52	
	<hr/>	
Net appropriation		0.00

Further amend the bill in the paragraph For public welfare: Aid to dependent children: by striking out same and inserting in place thereof the following:

State's share	1,117,261.46	
Less estimated revenue	60,000.00	
	<hr/>	
Net appropriation		1,057,261.46

Federal*	1,139,970.44	
Less estimated revenue	1,139,970.44	
	<hr/>	
Net appropriation		0.00

Further amend the bill in the paragraph For public welfare: Aid to Needy blind: by striking out same and inserting in place thereof the following:

State's share	130,719.92	
Less estimated revenue	2,500.00	
	<hr/>	
Net appropriation		128,219.92

Federal*	131,747.52	
Less estimated revenue	131,747.52	
	<hr/>	
Net appropriation		0.00

Further amend the bill in the paragraph For public welfare: Aid to permanently and totally disabled: by striking out same and inserting in place thereof the follows:

State's share	96,533.75	
Less estimated revenue	3,000.00	
	<hr/>	
Net appropriation		93,533.75

Towns and counties	165,372.35	
Less estimated revenue	165,372.35	
	<hr/>	

Net appropriation		0.00
Federal*	212,496.00	
Less estimated revenue	212,496.00	
	<hr/>	
Net appropriation		0.00

Further amend the bill in the paragraph For public welfare: by changing the figures for "Total for public welfare" as follows: 3,267,291.43 (line 107) changed to 3,101,608.35 and by changing the figures for "Net appropriation" as follows: 2,801,537.52 (line 114) changed to 2,635,854.44.

Amend the bill in the paragraph For public welfare: Blind services: Other expenditures: by changing the figures for "Blind education" as follows: 42,900.00 changed to 50,000.00; and by changing the figures for "Total" of said subsection as follows: 85,496.31 changed to 92,596.31.

On motion of Mr. Green of Manchester reading of the amendment was dispensed with.

Mr. Gilman of Farmington explained and spoke in favor of the amendment.

(discussion ensued)

Mrs. Atwood of Sanbornton spoke against the amendment.

(discussion ensued)

Mr. Crowley of Manchester spoke against the amendment.

(discussion ensued)

Messrs. Sheridan of Berlin, Bell of Plymouth, Pillsbury of Manchester, Clement of Landaff and Mesdames DeLude of Unity and Dondero of Portsmouth spoke against the amendment.

(discussion ensued)

Mrs. Cole of Nashua spoke in favor of the amendment.

Mr. Gilman of Farmington spoke a second time in favor of the amendment.

Mr. Pickett of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the amendment as offered by Mr. Gilman.

Mr. Gilman of Farmington requested a division vote.

The division vote being manifestly in the negative the amendment was not adopted.

Mr. Terry of Westmoreland offered the following amendment:

In the appropriation for the board of education strike out the paragraph relative to foundation aid and insert in place thereof the following:

Foundation aid:

State aid to school districts	\$1,572,000.00
Transportation, board, tuition	6,000.00

Total	<hr/> \$1,578,000.00
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In the total for the board of education strike out the figure "\$3,862,878.56" and insert in place thereof the figure,

\$4,234,478.56, and change the net appropriation by striking out "\$3,243,384.56" and insert in place thereof the figure, \$3,614,984.56.

The Clerk read the amendment in full.

Mr. Terry of Westmoreland spoke in favor of the amendment.

Miss Loizeaux of Plymouth moved that further consideration of House Bill No. 457 be made a Special Order of Business for 11:01 o'clock tomorrow morning (Thursday).

Mr. Gilman of Farmington spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

House Bill No. 296, An Act relative to definition of semi-trailer under motor vehicle law.

House Bill No. 365, An Act relative to definitions under the state employees retirement system.

House Bill No. 451, An Act relative to establishing an additional polling place for the election of town officers in the town of Goffstown.

House Bill No. 475, An Act changing a part of the boundary line between the towns of Stratham and Exeter.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments to the following entitled bill:

Senate Bill No. 135, An Act relative to borrowing by municipalities.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain public utilities.

Senate Bill No. 167, An Act legalizing the annual school district meeting of the Strafford school district.

Introduction of Senate Bills

The following Senate bills were severally introduced, read a first and second time and referred as follows:

Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain public utilities, to the Committee on Public Works.

Senate Bill No. 167, An Act legalizing the annual school district meeting of the Strafford school district, to the Committee on Municipal and County Government.

The Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 214, relating to statements of account between bank and depositors.

Amend Section 1 of the bill by striking out the same and inserting in place thereof the following:

1 *Final Adjustment of Statements of Account.* Amend RSA 390 by adding after section 22 the following new subdivision:

Final Adjustment of Statements of Account between
Bank and Depositor

RSA 390:23 *Statement of Account Final, When.* When a statement of account has been rendered by a bank to a depositor accompanied by vouchers, if any, which are the basis for debit entries in such account, or the depositor's passbook has been written up by the bank showing the condition of the depositor's account and delivered to such depositor with like accompaniment of vouchers, if any, such account shall, after the period of five years from the date of its rendition, in the event no objection thereto has been theretofore made by the depositor, be deemed finally adjusted and settled and its correctness presumed.

On motion of Mr. Dutton of Peterborough the House concurred in the Senate amendment.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following joint resolution, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state.

Amend the joint resolution in the last sentence thereof by striking out the words, "twenty-five hundred dollars" and inserting in place thereof the words, fifteen hundred dollars, so that said sentence as amended shall read as follows:

The sum of fifteen hundred dollars is hereby appropriated to be expended by said committee in carrying out the purposes hereof and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

On motion of Mr. Dutton of Peterboro the House non-concurred in the Senate amendment and a Committee of Conference was appointed as follows: Messrs. Dutton of Peterboro, Pickett of Keene and Geisel of Manchester.

The Senate message further announced that the Senate has passed a joint resolution with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of a multiple-use state park on Ossipee Lake and Williams Pond.

Introduction of a Senate Joint Resolution

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of a multiple-use state park on Ossipee Lake and Williams Pond, was introduced, read a first and second time and referred to the Committee on Resources, Recreation and Development.

Communication

Judicial Council
July 22, 1959

Francis W. Tolman, Clerk
House of Representatives
State House
Concord, New Hampshire

Dear Mr. Tolman:

I have the pleasure herewith to transmit the report of

the Judicial Council on H. B. 351, An Act Entitled the Uniform Commercial Code.

Respectfully submitted,

ROBERT W. UPTON,
Chairman.

The Chair announced that the report would be printed in Thursday's Journal.

Resolutions

Mr. MacIsaac of Laconia offered the following resolutions:

Whereas, Myron B. Hart, representative from Laconia for several sessions, is ill at his home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend to our Fellow Member our sympathy in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to Representative Hart.

The Chair announced that Mr. Washburn of Alstead was in the Concord Hospital after having a slight heart attack and would appreciate receiving cards from his fellow representatives.

The Chair also announced that today is the birthday of Mr. Crosby of Hillsborough.

On motion of Mr. Crosby of Hillsborough the House adjourned from the morning session.

Afternoon Session

On motion of Mrs. Cary of Manchester the House adjourned at 4:45 o'clock to meet tomorrow morning at 11:00 o'clock.

THURSDAY, JULY 23, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Gerald F. Joyal, Saint Mary's Church, Rochester as follows:

O God of might, wisdom and justice! Through Whom authority is rightly administered, laws are enacted, and judgments decreed, assist with Thy Holy Spirit of council and fortitude his Excellency, the Governor of this State, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging due respect for virtue and religion; by a faithful execution of the laws in justice and mercy; and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of this Assembly, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty.

We recommend likewise to Thy unbounded mercy all the citizens of this State, that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law; that they may be preserved in union, and in that peace which the world cannot give; and after enjoying the blessings of this life, be admitted to those which are eternal, through Jesus Christ, Our Lord and Saviour. Amen.

Pledge of Allegiance to the Flag

Mr. Sheridan of Berlin led the Convention in the Pledge of Allegiance to the Flag.

Guest Speaker

Judge David B. Williams of Concord, Massachusetts. National Commander of the Disabled American Veterans and a former member of the Massachusetts House of Representatives, former member of the Governor's Council and presently Judge of one of the District Courts in Haverhill, Massachusetts, was introduced to the Joint Convention by the Chair and briefly addressed it.

On motion of Senator Lamontagne of District No. 1, the Convention rose.

House

Introduction of a Guest

The Chair announced that Miss Barbara Jane Ryan of Swanton, Vermont was a guest of the House today, courtesy of Mr. Sheridan of Berlin.

The Chair read Rule No. 10 of the rules of the House and advised the members that from now until the end of the session Rule No. 10 would be adhered to.

Leaves of Absence

Mr. Underhill of Nashua was granted leave of absence for the day on account of illness.

Mr. Montgomery of Hopkinton was granted leave of absence for the day on account of important business.

Introduction of a Bill

By the Committee on Rules (Mr. Coutermarsh of Lebanon and Mr. McMeekin of Haverhill) House Bill No. 506, An Act relative to the taxation of railroads, was introduced, read a first and second time and referred to the Committee on Ways and Means.

Reports of Standing Committees

Mr. Bigelow of Warner, for the Committee on Claims to whom was referred House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House joint resolution was ordered to a third reading.

The Chair announced that at the request of Mr. Deans of Milford, Chairman of the Municipal and County Government committee, House Bill No. 86, had been withdrawn.

At the request of Mr. Charland of Franklin, Mr. Deans of Milford explained his reason for withdrawing House Bill No. 86.

Mr. Charland of Franklin moved that the rules of the House be so far suspended as to take up House Bill No. 86 at the present time, and spoke in favor of the motion.

On a *viva voce* the motion was not adopted.

Mr. Larty of Haverhill, for the Committee on Ways and Means to whom was referred House Joint Resolution No. 46, Joint Resolution relative to state wide referendum on the question of types of taxation, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Sablusi of Nashua, for the Committee on Ways and Means to whom was referred House Joint Resolution No. 51, Joint Resolution to provide for an investigation and study of the laws relating to the taxation of personal property, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

The Chair referred House Joint Resolution No. 51 to the Committee on Appropriations under the rules.

Mr. Terry of Westmoreland called for the Special Order on House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960.

The question now being on the amendment offered by Mr. Terry of Westmoreland.

The Clerk read the amendment in full.

Mr. Terry of Westmoreland withdrew his amendment.

Mr. Gilman of Farmington offered the following amendment:

Amend House Bill No. 457, university of New Hampshire, page 68, line 3, by striking out the amount of \$2,833,621.59 and substituting in place thereof the amount of \$2,611,121.59; and amend page 69, line 9, by striking out the amount of \$3,336,536.59 and substituting in place thereof the amount of \$3,114,036.59. Further amend House Bill No. 457, university of New Hampshire by inserting after line 9, page 69, the following footnote:

The provisions of RSA 187:24 are suspended for the fiscal year ending June 30, 1960.

The Clerk read the amendment in full.

Mr. Gilman of Farmington spoke in favor of the amendment.

(discussion ensued)

Mr. Clement of Rochester spoke against the amendment.

(discussion ensued)

Mr. Kimball of Manchester spoke in favor of the amendment.

(discussion ensued)

Mr. Plumer of Bristol spoke against the amendment.

The Chair declared a forty-five minute recess.

After Recess

Messrs. Chandler of Bartlett and Mr. Bradley of Hanover spoke against the amendment.

(discussion ensued)

Mr. MacIsaac of Laconia spoke in favor of the amendment.

(discussion ensued)

Mr. Nickerson of Goffstown spoke in favor of the amendment.

Mr. Clement of Landaff spoke against the amendment.

Mr. Hancock of Concord spoke in favor of the amendment.

(discussion ensued)

Messrs. Green of Manchester, Sheridan of Berlin, Pillsbury of Manchester and Mrs. Brown of Sandwich spoke against the amendment.

Mr. Miskelly of Keene spoke in favor of the amendment.

(discussion ensued)

Mr. Clement of Rochester requested a division vote.

Mr. Nickerson of Goffstown demanded the Yeas and Nays.

Yeas, 101

HILLSBOROUGH COUNTY: Aucella, Farwell, Vadney, Hambleton, Nickerson of Goffstown, Poore, Daneault, Galla-

gher, Goode, Betley, Healy of Manchester, Ward 5, Manning, Leclerc, Tessier, Bergeron, Levasseur, Nalette, Daniel, De-Grace, Cole, Thibault of Nashua, Griffin of Nashua, Dionne of Nashua, Marcoux, Sablusi.

CHESHIRE COUNTY: Pike, Haley, Keating, McCullough, Miskelly, Kretowicz, Forbes, Hackler, Frost, Sawyer.

SULLIVAN COUNTY: Spalding, Merrifield.

GRAFTON COUNTY: Bucklin, Gilbert, Chamberlain of Holderness, Beard, Guay of Lebanon, Kelley, Birch, Cushman.

COOS COUNTY: Brungot, Christiansen, Gagnon, Marsh, Emerson, Crockett, Bragg, Swett, Converse, Emery.

ROCKINGHAM COUNTY: Prescott, Persson, Spollett of Chester, Bisbee, Gay of Derry, Kimball of Derry, Collishaw, Sanborn of Hampton Falls, Palmer of Kensington, Jenkins, Cheney, Keefe, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 5, Carkin, Cross, Langford, Roulston, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Leighton, Richardson, Drew, Gilman of Farmington, Rolfe, Watson of Rochester.

BELKNAP COUNTY: Lacaille, Ayre of Laconia, Prescott of Laconia, MacIsaac, Howe.

CARROLL COUNTY: Diffenderfer, Hodgdon, Duchano, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Laflamme, Hancock, Boomhower, Gilman of Franklin, Charland, Burleigh, Hunt, Bigelow.

Mr. Urie of New Hampton, voting Yes, paired with Mr. Rice of Peterboro, voting No.

Nays, 233

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Herrick, Branch, Taft, Pickering of Hancock, Crosby, Goodwin, Gamache, Legallee, Ainley, Green, Lang, Pettigrew, Danforth, Pillsbury, Hart of Manchester, Martel of Manchester, Ward 3, Sullivan, Tobin, Cullity, Nolan, Burke, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, LaFrance, Champagne, Compagna, Delisle, Morris, Belanger, King, Hurley, Noel, Martel of Man-

chester, Ward 12, Maston, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Peaslee of Merrimack, Deans, Falconer, Cooper, Saunders, Belcourt, Brosnahan, Maynard, Pappagianis, Boisvert of Nashua, Chartrain, Ryan, Bissonette, Bouley, Grandmaison, Latour, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Eastman of Weare, Draper.

CHESHIRE COUNTY: O'Neil of Chesterfield, Gowing, Turner, Stearns, Gordon of Jaffrey, Spofford, Terrill, Bennett, Brown of Keene, Faulkner, Oliver, Allen, Bouvier, Congdon, Galloway, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Angus, Nahil, Phillips, D'Amante, Desnoyer, Davis of Cornish, Marx, Wirkkala, Bailey, Brown of Newport, Downing, Rowell, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Clement of Landaff, Porter, Whipple, McGee, Burrill, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Bouchard, LaCasse of Berlin, Oakes, Graham of Gorham, Potter, Bushey, Stinson, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Clark, Blair, Eastman of Exeter, Smith of Exeter, Weeks, Spollett of Hampstead, Long, Shepard, Sheehy, LaBranche, Twardus, Carter, Palmer of Plaistow, Dondero, Murch, Philbrick of Rye, Gordon of Sandown, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Wiggin of Dover, Grimes, Dunnington, Stonemetz, Calcutt, Flanagan, Bevan, Chase of Durham, Littlehale, Randall, Reid, Moulton, Maxfield, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Vincent, Malley, Brown of Stratford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Harkins, Normandin, Karagianis, O'Shan, Varrell, Pickering of Meredith, Smith of Meredith, Atwood.

CARROLL COUNTY: Chandler, Downs, Hill, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Bates, Dowd, Davis of Concord, Henry, Gibson, Woodman, Mannion, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Newell, Chase of Concord, Rufo, Carr, Thompson of Franklin, Carpenter, LeFond of Hooksett, Mulaire, London, Plourde, Thibeault of Pembroke, Ayer of Pittsfield, McGrath, Stone, Thompson of Wilmot.

And the amendment was not adopted.

Mr. Gilman of Farmington offered the following amendment:

Amend House Bill No. 457, board of education, by inserting after line 254, page 82, the following:

Salary increase fund — \$50,000.00*

* Upon request of the state board of education, agreement by the personnel department, and approval by the governor and council, the state board of education is authorized to grant salary increases to the teaching staffs of the following institutions and not to exceed the following amounts: Keene teachers' college, \$22,000; Plymouth teachers' college, \$17,200; Manchester technical institute, \$7,200; and Portsmouth technical institute, \$3,600. The sums so approved shall be transferred to the budgets of the institutions concerned. No transfer for any other purpose shall be made from this appropriation.

Amend line 265, page 82, by striking out the amount of \$3,862,878.56 and substituting in place thereof the amount of \$3,912,878.56.

Amend line 267, page 83, by striking out the amount of \$3,243,384.56 and substituting in place thereof the amount of \$3,293,384.56.

The Clerk read the amendment in full.

Mr. Gilman of Farmington withdrew his amendment.

Mr. Terry of Westmoreland offered the following amendment:

In the appropriation for the board of education strike out the paragraph relative to foundation aid and insert in place thereof the following:

Foundation aid:

State aid to school districts	\$1,304,466.91
Transportation, board, tuition	6,000.00

Total	\$1,310,466.91
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In the total for the board of education strike out the figure "\$3,862,878.56" and insert in place thereof the figure, \$3,966,-945.47, and change the net appropriation by striking out "\$3,243,384.56" and insert in place thereof the figure, \$3,347,-451.47.

The Clerk read the amendment in full.

Mr. Terry of Westmoreland spoke in favor of the amendment.

Mrs. Atwood of Sanbornton spoke against the amendment.

(discussion ensued)

Mr. Clement of Rochester spoke against the amendment.

(discussion ensued)

Mrs. DeLude of Unity spoke in favor of the amendment.

(discussion ensued)

Mr. McMeekin of Haverhill spoke in favor of the amendment.

Mr. Gilman of Farmington spoke against the amendment.

Mr. O'Neil of Chester spoke in favor of the amendment.

Mr. Jenkins of Newcastle moved the Previous Question and it was sufficiently seconded.

On a *viva voce* vote the motion prevailed.

The question now being on the amendment.

Mrs. DeLude of Unity requested a division vote.

A division vote being taken and 70 members having voted in the affirmative and 212 members having voted in the negative the amendment was not adopted.

Mr. Belcourt of Nashua offered the following amendment:

Amend the bill in the paragraph For department of health: Administration: state, by changing the figures for "Other personal services" as follows: 29,226.62 changed to 28,048.37; change "Total" of said subsection as follows: 53,596.91 changed

to 52,419.66; and change "Net appropriation" of said subsection as follows: 48,436.63 changed to 47,258.38. Further amend the bill in said paragraph For Department of health by changing the figures for "Total for department of health; State" as follows: 680,284.01 changed to 679,105.76.

Amend the bill in the paragraph For cancer commission: State funds: by changing the figures for "Personal services" as follows: 26,440.34 changed to 27,618.59; and by changing the figures for "Total" of said subsection as follows: 139,950.34 changed to 141,128.59. Further amend the bill in said paragraph For cancer commission by changing the figures for "Total for cancer commission" as follows: 139,950.34 changed to 141,128.59; and by changing the figures for "Net appropriation" as follows: 107,950.34 changed to 109,128.59.

On motion of Mr. Belcourt of Nashua reading of the amendment was dispensed with.

Mr. Belcourt of Nashua explained the amendment.

On a *viva voce* vote the amendment was adopted.

The question now being, Shall House Bill No. 457 be read a third time?

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene wished to be recorded as having voted against the motion.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 458 (New Draft). An Act making appropriations for the expenses of certain departments of the State for the year ending June 30, 1961, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill in the paragraph for the legislative branch by striking out all after the words "to wit:" and inserting in place thereof the following: A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$36,853.00 for the office of legislative budget assistant to the appropriations and finance committees, and \$6,500.00 for the office of research analyst to the senate finance committee, as follows: (Salary of legislative

budget assistant \$10,500.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$100.00, other expenditures \$2,000.00,*) (Salary of research analyst to the senate finance committee \$6,000.00, other expenditures \$500.00).	\$325,000.00
Legislative council†	2,500.00
Council of state governments	2,500.00
Total for legislative branch	\$330,000.00

* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings, and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

† The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

Amend the bill in the paragraph For administration and control: Division of budget and control: Other expenditures: Oasi contributions: by changing the figures for "State employees" as follows: 275,500.00 changed to 325,500.00; and by changing the figures for "Teachers (40% of employer's contribution)" as follows: 214,000.00 changed to 239,000.00. Change "Total" for said subsection as follows: 550,615.00 changed to 625,615.00. Further amend said bill in the paragraph For administration and control: by changing the figures for "Total for administration and control" as follows: 912,312.92 changed to 987,312.92.

Amend the bill in the paragraph For agriculture: Division of markets and standards: Bureau of markets: by changing the figures for "Current expenses" as follows: 12,810.00 changed to 13,300.00; and by changing the figures for "Total" for said subsection as follows: 50,752.78 changed to 51,242.78.

Amend the bill in the paragraph for agriculture: Insect and plant disease suppression and control: by changing the figures for "Travel" as follows 5,500.00 changed to 6,150.00; and by changing the figures for "Total" for said subsection as follows: 31,258.98 changed to 31,908.98.

Further amend said bill in the paragraph for agriculture: by changing the figures for "Total for department of agriculture" as follows: 317,634.43 changed to 318,774.43.

Amend the bill in the paragraph For public welfare: Blind services: Other expenditures: by changing the figures for "Blind education" as follows: 42,900.00 changed to 50,000.00; and by changing the figures for "Total" of said subsection as follows: 85,192.51 changed to 92,292.51.

Amend the bill in the paragraph For public welfare: Old age assistance: State's share, by striking out same and inserting in place thereof the following:

State's share	\$1,095,090.00	
Less estimated revenue	105,698.00	
	<hr/>	
Net appropriation		989,392.00

Further amend the bill in the paragraph For public welfare: by changing the figures for "Total for public welfare:" as follows: 3,422,657.80 changed to 3,434,089.80; and by changing the figures for "Net appropriation" as follows: 3,116,157.80 changed to 3,127,589.80.

Amend the bill in the paragraph For state police: by striking out the same and inserting in place thereof the following:

For state police:

Salary of superintendent	\$10,192.00	
Other personal services	604,218.44	
Current expenses	58,450.00	
Travel	122,496.50	
Equipment	94,641.00	
Other expenditures:		
Retirement and oasi	35,549.87	
	<hr/>	
Total for state police	\$925,547.81	
Less transfer from		
highway fund	705,010.14	
Less transfer from		
turnpikes	96,124.12	
	<hr/>	
Net appropriation		124,413.55

Amend the bill in the paragraph for University of New Hampshire by striking out the words "Net increase in debt service" and inserting in place thereof the words Debt service.

Amend the bill in the paragraph For board of education: Education of deaf: by striking out the same and inserting in place thereof the following:

Education of deaf:

Current expenses†	\$191,500.00
Travel	400.00

Total	191,900.00
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† These funds shall not be expended for any other purpose and no transfer shall be made therefrom.

Amend the bill in the paragraph For board of education: School building construction: by striking out the same and inserting in place thereof the following:

School building construction:

Other expenditures:

Aid to school districts
for school buildings
construction†

792,078.00

† These funds shall not be expended for any other purpose and no transfer shall be made therefrom.

Further amend the bill in the paragraph For board of education by changing the figures for "Total for board of education" as follows: 4,113,815.87 changed to 4,191,215.87; by changing the figures for "Less estimated revenue" as follows: 636,426.00 changed to 642,040.00; and by changing the figures for "Net appropriation: as follows: 3,477,389.87 changed to 3,549,175.87.

Amend the bill in the paragraph For bank commissioner: by striking out the words "Salary of deputy" and inserting in place thereof the words Salary of deputy bank commissioner; and by striking out the words "Salary of deputy for building and loan associations" and inserting in place thereof the words Salary of assistant bank commissioner.

Amend the bill in the paragraph For public works and highways: Legislative specials: by changing the figures for

“Maintenance class V highways:” as follows: 100,000 changed to 200,000.00; and by changing the figures for “Total” of said subsection as follows: 1,205,722.34 changed to 1,305,722.34.

Amend the bill in the paragraph For public works and highways: Construction and reconstruction: Matching funds (federal aid): by striking out same and inserting in place thereof the following:

Matching funds (federal aid):

Interstate	\$13,696,452.00
Primary	3,700,741.00
Secondary	2,520,877.00
Urban	885,959.00

Total—matching funds† \$20,804,029.00

† No transfer shall be made from this appropriation.

Amend the bill in the paragraph For public works and highways: Contingent fund — by changing the figures as follows: 1,250,000.00 changed to 1,150,000.00.

Amend the bill in the paragraph For public works and highways: Supplemental appropriation for construction, reconstruction and maintenance of highways by changing the footnote at the end of said paragraph as follows: after the words “No transfer shall be made from this appropriation.” add the following words, A sum not exceeding 2% of this appropriation may be expended for the purchase of highway equipment.

Amend the bill following the paragraph “For central New Hampshire turnpike” by adding the following: Note. Any funds transferred or paid to the state police from the eastern and central New Hampshire turnpikes shall be from the appropriations made for said turnpikes.

Amend the bill by changing the figures for “Total net appropriation as follows: 24,090,934.88 changed to 24,250,-292.88.

The question being on the amendment as offered by the Committee on Appropriations,

On a *viva voce* vote the amendment was adopted.

Mr. Belcourt of Nashua offered the following amendment:

Amend the bill in the paragraph For department of health: Administration: State — by changing the figures for “Other personal services” as follows: 29,643.54 changed to 28,443.54; change “Total” of said subsection as follows: 53,676.97 changed to 52,476.97; and change figures for “Net appropriation” of said subsection as follows: 48,456.69 changed to 47,256.69. Further amend the bill in said paragraph For department of health by changing the figures for “Total for department of health: State” as follows: 674,718.16 changed to 673,518.16.

Amend the bill in the paragraph For cancer commission: State funds: by changing the figures for “Personal services” as follows: 26,590.40 changed to 27,700.40; and by changing the figures for “Total” of said subsection as follows: 140,110.40 changed to 141,310.40. Further amend the bill in said paragraph For cancer commission by changing the figures for “Total for cancer commission” as follows: 140,110.40 changed to 141,310.40; and by changing the figures for “Net appropriation” as follows: 108,110.40 changed to 109,310.40.

Mr. Belcourt of Nashua moved that reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion prevailed.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Gilman of Farmington offered the following amendment:

On Page 109, lines 81, 82, 83, 84 shall be amended to read as follows:

Contingent fund — for construction, reconstruction and maintenance, upon request of the Commissioner and subject to Governor and Council approval, transfers from this appropriation may be made to other operating accounts as are required to carry out the construction, reconstruction and maintenance programs.

Further amend House Bill 458 as follows:

On Page 111, following line 11, insert the following footnote: Upon request of the Commissioner and subject to Governor and Council approval, revenue from the Blue Star

Memorial Highway, Spaulding Turnpike, and Central New Hampshire Turnpike may be appropriated as required to provide for the normal maintenance and operation of each turnpike.

On motion of Mr. King of Manchester reading of the amendment was dispensed with.

Mr. Gilman of Farmington explained the amendmeent.

On a *viva voce* vote the amendment was adopted.

Mr. Gilman of Farmington offered the following amendment:

Amend the paragraph relating to the Planning and Development Commission by inserting after the appropriation for the Vacation Bulletin the following:

Port Authority:

Harbor Masters	\$3,000.00
Other personnel services	3,000.00
Current expenses	4,000.00
Travel	1,000.00

Total for port authority	<u>\$11,000.00</u>
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Further amend said paragraph by striking out the total for the Planning and Development Commission "\$357,998.53" and inserting in place thereof the figure, \$368,998.53.

Mr. Pillsbury of Manchester explained the amendment.

On a *viva voce* vote the amendment was adopted.

The question now being shall the bill be read a third time.

On a *viva voce* vote the motion prevailed.

Senate Messages

The Senate Message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 170, An Act making temporary appropriation for the New Hampshire Port Authority.

Introduction of a Senate Bill

Senate Bill No. 170, An Act making temporary appropriation for the New Hampshire Port Authority, was introduced, read a first and second time and referred to the Committee on Appropriations.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 251, An Act relating to appeals in municipal building regulation matters.

House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies.

House Bill No. 479, An Act to repeal charters of certain corporations.

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state, having considered the same, reported the same with the following recommendation: that the House recede from its position of nonconcurrence and concur with the Senate in the adoption of the Senate amendment, and that the following amendments be adopted:

Amend RSA 200-A:4 as inserted by section 1 of the bill by striking out in the first line the word "shall" and inserting in place thereof the word, may, so that said section shall read as follows:

200-A:4 *Appropriations.* The state of New Hampshire may biennially appropriate funds for the purpose of contributing to the operational costs at colleges and universities of qualified and accepted New Hampshire residents, pursuant to regional and/or reciprocal agreements and arrangements in the educational field as executed and approved by the New England Board of Higher Education.

Amend RSA 200-A:6 by adding at the end thereof the following words, the comptroller shall examine and audit the accounts showing the payments made by the Board under the authority of this section. In submitting the budget request made by him pursuant to the certification of the Board as

provided in the preceding section, the comptroller shall forward with such request a report of such examination and audit, showing the details of such payments for the two fiscal years next preceding the time of said budget requests, so that said section shall read as follows:

200-A:6 *Payments from Funds.* The amount that may be or may become due to any college, university, or institution shall be payable by the state treasurer to such institution from funds appropriated for carrying out the purposes hereof upon certification by the New England Board of Higher Education. Said board, before approving such vouchers, shall satisfy itself that such student would be unable to receive the course of instruction at any institution of public education in the New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance with the terms and conditions of the region and/or reciprocal agreement in effect between the New England Board of Higher Education and the charging institution. The comptroller shall examine and audit the accounts showing the payments made by the Board under the authority of this section. In submitting the budget request made by him pursuant to the certification of the Board as provided in the preceding section, the comptroller shall forward with such request a report of such examination and audit, showing the details of such payments for the two fiscal years next preceding the time of said budget requests.

Amend section 3 of the bill by striking out the word "July" in the last line and inserting in place thereof the word, October, so that said section as amended shall read as follows:

3 *Takes Effect.* Insofar as the provisions for making appropriations are concerned this act shall take effect as of July 1, 1961. Insofar as the remainder of the act is concerned this act shall take effect as of October 1, 1959.

MARY S. BROWN,
MARTHA FRIZZELL,
F. BRANCH, Jr.,

Conferees of the House.

JOSEPH D. VAUGHAN,
CHARLES C. EATON,

Conferees of the Senate.

Mrs. Frizzell of Charlestown moved that reading of the report be dispensed with and explained the report.

On a *viva voce* vote the motion prevailed.

On motion of Mrs. Brown of Sandwich the House adopted the Committee of Conference report.

Resolutions

Mrs. Phillips of Claremont offered the following resolutions for the Claremont Delegation:

Whereas, Harry Bloomfield of Claremont has passed away, and

Whereas, He was a former Representative from Claremont for two sessions and was also a member of the council established to study problems of the aged and had served as liason officer in veterans' affairs, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, hereby pay tribute to our former fellow member for his services to his town, state and the general public, and extend our sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit to the widow, Mrs. Bloomfield, a copy of these resolutions.

Mr. Pickett of Keene moved that the resolutions be adopted by a rising vote.

On a rising vote the resolutions were unanimously adopted.

Mr. LaFlamme of Concord offered the following resolutions:

Whereas, we have learned of the illness and confinement in the Hospital of Clarence Lessels, and

Whereas, Mr. Lessels is a fellow member from Ward 5, Concord, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby extend our sympathy to Mr. Lessels in his illness with our hope for a speedy recovery and early return to his duties in the House, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Mr. Lessels.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Vachon of Manchester and Mr. Maloomian of Somersworth offered the following resolution:

Resolved, That air conditioning should be installed in the House of Representatives.

The Chair referred the resolution to the Committee on Fish and Game with a request that it be reported to the 1961 session.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, third reading of Joint Resolutions by caption only, and that when the House adjourns today it be to meet next Tuesday at 11:00 o'clock.

Third Readings

House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich, was read a third time, passed and sent to the Senate for concurrence.

House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Clement moved that the House reconsider its vote whereby it passed House Bill No. 457, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Clement moved that the House reconsider its vote whereby it passed House Bill No. 458, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Green of Manchester moved that the Chair appoint a committee to arrange for a mock session.

On a *viva voce* vote the motion was adopted.

Mr. Pickett of Keene moved that when the House adjourns today it adjourn in honor of the birthdays of Mr. Gilman of Farmington and Mr. Galloway of Walpole.

On a *viva voce* vote the motion was adopted, and the House adjourned at 4:39 o'clock.

TUESDAY, JULY 28, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Robert W. Little, First Congregational Church of Keene as follows:

Almighty and Eternal God, we confidently lift voice and heart to Thee in prayer, for we know that Thou art always present wherever Thy sons and daughters are gathered together.

May this knowledge be as a spur to our minds, that we may think clearly; a guide to our tongues, that we may speak in truth; an encouragement to our hearts, that we may be aware of the needs of even the least citizen of our state; and an open door to our spirits, that we may fulfill Thy holy purposes in all that we do in this hour. Amen.

Pledge of Allegiance to the Flag

Mr. Miskelly of Keene led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mrs. Brown of Sandwich was granted leave of absence for today and Wednesday on account of a death in the family.

Mr. O'Neil of Chesterfield was granted leave of absence for the week on account of important business.

Mr. Philbrick of Springfield was granted leave of absence for the day on account of important business.

Mr. Hunter of Hampton was granted a two weeks leave of absence on account of illness.

Mr. Brown of Keene was granted leave of absence for the week on account of illness.

Introduction of a Bill

By Mrs. DeLude of Unity, House Bill No. 507, An Act adopting the Uniform Reciprocal Enforcement of Support Act, was introduced, read a first and second time, and referred to the Committee on Judiciary.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to dispense with the printing and reference to committee and that House Bill No. 507 be placed on third reading and final passage at the present time.

Mr. Green explained the reasons for his motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 507, An Act adopting the Uniform Reciprocal Enforcement of Support Act, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Crosby of Hillsborough called for the Special Order on House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook.

On motion of Mr. Crosby of Hillsborough, House Bill No. 489 was recommitted to the committee on Judiciary.

Mr. Hart of Manchester called for the Special Order on House Bill No. 107, An Act relative to powers of the Manchester Finance Commission.

Mr. Hart of Manchester moved that the minority report "Ought to Pass with Amendment" be substituted for the report of the majority "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. King of Manchester spoke against the motion.

(discussion ensued)

Mr. Kimball of Manchester spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Terrill of Keene demanded the Yeas and Nays.
The roll having been called as follows:

Yeas, 167

CHESHIRE COUNTY: Washburn, Gowing, Turner, Gordon of Jaffrey, Keating, Terrill, McCullough, Wheeler, Oliver, Forbes, Allen, Hackler, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Russell, Angus, D'Amante, Desnoyer, Marx, Wirkkala, Merrifield, De-lude.

GRAFTON COUNTY: Plumer, Willey, Sanborn of Enfield, Monahan, McMeekin, Chamberlain of Holderness, Clement of Landaff, Beard, Porter, Whipple, Burrill, Kelley, Birch, Cushman, Kinghorn, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Perrault, Christiansen, Gagnon, Oakes, Crockett, Graham of Gorham, Bragg, Potter, Styles, Emery, Baker.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Spollett of Chester, Gay of Derry, Blair, Collishaw, Eastman of Exeter, Smith of Exeter, Weeks, Spollett of Hampstead, Sanborn of Hampton Falls, Long, Shepard, Jenkins, Cheney, Dondero, Keefe, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross, Langford, Philbrick of Rye, Gordon of Sandown, Felch, Robinson of South Hampton, Barker, Waterhouse.

STRAFFORD COUNTY: Berry, Blanchette, Dunnington, Stonemetz, Richardson, Chase of Durham, Randall, Moulton, Rolfe, Maxfield, St. Pierre, Johnson of Rochester, Varney.

BELKNAP COUNTY: Rollins, McAllister, Lacaillade, Prescott of Laconia, O'Shan, MacIsaac, Varrell, Pickering of Meredith, Smith of Meredith.

CARROLL COUNTY: Chandler, Hill, Diffenderfer, Hodgdon, Duchano.

MERRIMACK COUNTY: Guilbeault, Bates, Davis of Concord, Henry, Robinson of Concord, Mannion, Peaslee of Concord, Newell, Chase of Concord, Carr, Thompson of Franklin,

Leonard, Lafond of Hooksett, Mulaire, Montgomery, London, Burleigh, Thibeault of Pembroke, Ayer of Pittsfield, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Farwell, Herrick, Vadney, Hambleton, Nickerson of Goffstown, Poore, Taft, Pickering of Hancock, Goodwin, Daneault, Gamache, Ainley, Lang, Pettigrew, Danforth, Goode, Pillsbury, Hart of Manchester, Belanger, DeGrace, Peaslee of Merrimack, Cole, Bissonette, Locke, Thompson of New Ipswich, Hodgman, Rice, Eastman of Weare.

Nays, 168

CHESHIRE COUNTY: Stearns, Spofford, Haley, Bennett, Faulkner, Miskelly, Kretowicz, Pickett, Bouvier, Congdon, Galloway.

SULLIVAN COUNTY: Phillips, Davis of Cornish, Bailey, Brown of Newport, Downing, Spalding.

GRAFTON COUNTY: Gilbert, Graham of Canaan, Hayward of Hanover, Neale, Larty, Coutermarsh, Guay of Lebanon, Haskins, Johnson of Monroe, Bell, Loizeaux.

COOS COUNTY: Fortier, Desilets, Sheridan, Brungot, Bouchard, Lacasse of Berlin, Marsh, Emerson, Swett, Bushey, Stinson, Taylor.

ROCKINGHAM COUNTY: Bisbee, Clark, Kimball of Derry, Palmer of Kensington, Sheehy, Labranche, Twardus, Carter, Palmer of Plaistow, Peever.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Desjardins, Grimes, Calcutt, Colbath, Bevan, Littlehale, Drew, Reid, Watson of Rochester, Lacasse of Rochester, Boisvert of Rollinsford, Habel, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Watson of Belmont, Lord, Snow, Harkins, Normandin, Ayre of Laconia, Urie, Howe.

CARROLL COUNTY: Downs, Nickerson of Madison, Nickerson of Tamworth, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Phelps, Moore, LaFlamme, Dowd, Hancock, Gibson, Woodman, O'Neil of Concord, Saltmarsh, Gove, Maxham, Rufo, Boomhower, Gilman of Franklin, Charland, Carpenter, Plourde, McGrath, Hunt, Stone.

HILLSBOROUGH COUNTY: Crosby, Gallagher, Legallee, Green, Geisel, Kimball of Manchester, Martel of Manchester, Ward 3; Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Healy of Manchester, Ward 5; Manning, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, Ward 6; O'Connor, LaFrance, Leclerc, Tessier, Champagne, Compagna, Delisle, Pellissier, Cary, Morris, Bergeron, King, Hurley, Lafond of Manchester, Levasseur, Martel of Manchester, Ward 12; Maston, Nalette, Daniel, Dion of Manchester, Gauthier, Rousseau, Crowley, Deans, Falconer, Cooper, Saunders, Underhill, Thibault of Nashua, Belcourt, Brosnahan, Griffin of Nashua, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Ryan, Bouley, Grandmaison, Latour, Sablusk, Bouthillier, Dutton, Draper.

And the motion to substitute did not prevail.

The question now being on the majority report "Inexpedient to Legislate."

Mr. Hart of Manchester moved that House Bill No. 107 be re-committed to the Manchester Delegation.

On a *viva voce* vote the motion did not prevail.

Mr. DeGrace of Manchester requested a division.

A division vote being had and 137 members having voted in the affirmative and 170 in the negative, the motion to re-commit did not prevail.

Mr. Dion of Manchester moved that House Bill No. 107 be indefinitely postponed.

Mr. Hart of Manchester spoke against the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Hart of Manchester requested a division.

A division being had and 255 members having voted in the affirmative and 32 members having voted in the negative the motion to indefinitely postpone prevailed.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Watson of Belmont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 86, An Act providing for the election of county commis-

sioners for the county districts of Merrimack county, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Rufo of Concord moved that House Bill No. 86 be indefinitely postponed and spoke in favor of the motion.

Mr. Plourde of Pembroke spoke against the motion.

(discussion ensued)

Mr. Hancock of Concord spoke in favor of the motion.

(discussion ensued)

Messrs. Charland of Franklin, McMeekin of Haverhill, Deans of Milford and Plourde of Pembroke spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Rufo of Concord requested a division.

The division vote being manifestly in the negative the motion to indefinitely postpone did not prevail.

Mr. Rufo of Concord moved that House Bill No. 86 be recommitted to the Special Committee consisting of the members of the Merrimack Delegation and spoke in favor of the motion.

(discussion ensued)

Mr. McMeekin of Haverhill spoke against the motion.

Mr. Hancock of Concord spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail.

Mr. Bisbee of Derry moved that House Bill No. 86 be made a Special Order for next Tuesday at 11:01 o'clock.

Mr. Plourde of Pembroke and Mr. McMeekin of Haverhill spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote House Bill No. 86 was ordered to a third reading.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading and final passage by title only at the present time.

Third Reading

House Bill No. 86, An Act providing for the election of county commissioners for the county districts of Merrimack

County, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, asked that the House reconsider its vote whereby it passed House Bill No. 86, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Senate Messages

The Senate Message announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

Amend said bill by inserting after section 2 the following new section:

3 *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Pillsbury of Manchester the House concurred in the amendment sent down by the Senate.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 477, An Act to authorize towns to adopt building codes by reference, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment and that the following amendment be adopted:

Amend paragraph 156-A:5 as inserted by section 1 of the bill by adding at the end thereof the words, A sufficient number of additional copies of such ordinance or any amendment or supplement thereto shall be kept by the town in the office of the town clerk and shall be available for loan or sale to any interested person, so that said paragraph as amended shall read as follows:

156-A:5 *Examination by Public.* At least thirty days prior to the adoption of any such ordinance or any amendment or supplement thereto, not less than three copies of such code or regulations referred to shall have been filed in the office of the board of selectmen and in the office of the building inspector, if any, and three copies in the office of the town clerk for the use and examination of the public. A sufficient number of additional copies of such ordinance or any amendment thereto shall be kept by the town in the office of the town clerk and shall be available for loan or sale to any interested person.

N. A. McMEEKIN,
MARGARET B. DeLUDE,
ROBERT H. CONGDON,

Conferees on the Part of the House.

JAMES P. ROGERS,
NATHAN BATTLES,

Conferees on the Part of the Senate.

On motion of Mr. McMeekin of Haverhill the House concurred in the Committee of Conference report.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 304, An Act adopting the uniform facsimile signatures of public officials act.

Amend Section 3 of the bill by striking out the same and substituting in place thereof the following:

Section 3 This act takes effect upon its passage.

On motion of Mr. Crosby of Hillsborough the House concurred in the amendments sent down by the Senate.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Bond Issue.* To provide funds for the purposes of section 1 the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of \$1,358,221. and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, rate of interest, the date when interest shall be paid, the time or times of issue. The dates of maturity of said bonds and notes shall not exceed twelve years, provided that the first payment of principal shall be July 1, 1961 and the bonds and notes shall be paid off in ten payments. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

On motion of Mr. Clement of Rochester the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate has voted to adopt the following conference report on House Bill No. 477.

The Committee of Conference, to whom was referred House Bill No. 477, An Act to authorize towns to adopt building codes by reference, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment and that the following amendment be adopted:

Amend paragraph 156-A:5 as inserted by section 1 of the bill by adding at the end thereof the words, A sufficient number of additional copies of such ordinance or any amendment or supplement thereto shall be kept by the town in the office of the town clerk and shall be available for loan or sale to any interested person, so that said paragraph as amended shall read as follows:

156-A:5 *Examination by Public.* At least thirty days prior to the adoption of any such ordinance or any amendment or supplement thereto, not less than three copies of such code or regulations referred to shall have been filed in the office of the board of selectmen and in the office of the building in-

spector, if any, and three copies in the office of the town clerk for the use and examination of the public. A sufficient number of additional copies of such ordinance or any amendment thereto shall be kept by the town in the office of the town clerk and shall be available for loan or sale to any interested person.

NATHAN T. BATTLES,
JAMES P. ROGERS,
Conferees on the Part of the Senate.

N. A. McMEEKIN,
MARGARET B. DELUDE,
ROBERT F. CONGDON,
Conferees on the Part of the House.

The Senate has voted to adopt the following conference report on House Bill No. 286:

The Committee of Conference, to whom was referred House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state, having considered the same report the same with the following recommendation: that the House recede from its position of non-concurrence and concur with the Senate in the adoption of the Senate amendment, and that the following amendments be adopted:

Amend RSA 200-A:4 as inserted by section 1 of the bill by striking out in the first line the word "shall" and inserting in place thereof the word, may, so that said section shall read as follows:

200-A:4 *Appropriations.* The state of New Hampshire may biennially appropriate funds for the purpose of contributing to the operational costs at colleges and universities of qualified and accepted New Hampshire residents, pursuant to regional and/or reciprocal agreements and arrangements in the educational field as executed and approved by the New England Board of Higher Education.

Amend RSA 200-A:6 by adding at the end thereof the following words, the comptroller shall examine and audit the accounts showing the payments made by the Board under the authority of this section. In submitting the budget request made by him pursuant to the certification of the Board as provided in the preceding section, the comptroller shall forward

with such request a report of such examination and audit, showing the details of such payments for the two fiscal years next preceding the time of said budget requests, so that said section shall read as follows:

200-A:6 *Payments from Funds.* The amount that may be or may become due to any college, university, or institution shall be payable by the state treasurer to such institution from funds appropriated for carrying out the purposes hereof upon certification by the New England Board of Higher Education. Said Board, before approving such vouchers, shall satisfy itself that such student would be unable to receive the course of instruction at any institution of public education in New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance with the terms and conditions of the regional and/or reciprocal agreement in effect between the New England Board of Higher Education and the charging institution. The comptroller shall examine and audit the accounts showing the payments made by the Board under the authority of this section. In submitting the budget request made by him pursuant to the certification of the Board as provided in the preceding section, the comptroller shall forward with such request a report of such examination and audit, showing the details of such payments for the two fiscal years next preceding the time of said budget requests.

Amend section 3 of the bill by striking out the word "July" in the last line and inserting in place thereof the word, October, so that said section as amended shall read as follows:

3 *Takes Effect.* Insofar as the provisions for making appropriations are concerned this act shall take effect as of July 1, 1961. Insofar as the remainder of the act is concerned this act shall take effect as of October 1, 1959.

JOSEPH D. VAUGHAN,
CHARLES C. EATON,
Conferees of the Senate.

MARY S. BROWN,
MARTHA FRIZZELL,
F. BRANCH, Jr.,
Conferees of the House.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

House Bill No. 251, An Act relating to appeals in municipal building regulation matters.

House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies.

House Bill No. 296, An Act relative to definition of semi-trailer under motor vehicle laws.

House Bill No. 365, An Act relative to definitions under the state employees retirement system.

House Bill No. 451, An Act relative to establishing an additional polling place for the election of town officers in the town of Goffstown.

House Bill No. 475, An Act changing a part of the boundary line between the towns of Stratham and Exeter.

House Bill No. 479, An Act to repeal charters of certain corporations.

Senate Bill No. 135, An Act relative to borrowing by municipalities.

Resolutions

Mr. Sanborn of Hampton Falls offered the following resolutions for the Rockingham County Delegation:

Whereas, Douglass E. Hunter, Sr., representative from Hampton and chairman of the Rockingham County Delegation, is ill, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Hunter a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

At the request of Mr. Pickett of Keene, Mr. Terry of Westmoreland explained the electric voting machine.

(discussion ensued)

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Senate Message (continued)

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of an amendment to the following entitled bill:

Senate Bill No. 42, An Act relating to utility poles.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following House Bill:

House Bill No. 492, An Act increasing the salary of the justice of the Keene municipal court.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

On motion of Mrs. Cooper of Nashua the House adjourned at 1:39 o'clock.

WEDNESDAY, JULY 29, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered as follows by the Guest Chaplain, Reverend Elmer Young, from the Newton Baptist Church in Newton:

Almighty God, we bow in prayer before Thee today in obedience to the command of Scripture to pray for those who are in authority over us. Particularly we would remember the President of our favored nation in his position of responsi-

bility and also the Vice President as he meets with leaders of foreign nations. For those who are Thy servants over us for our good we would request divine guidance in act and speech. For the Governor of this state we would also pray that he might have divine strength to lead us in the ways of progress and prosperity.

For those who are the representatives of the people in our national and state legislative bodies we would beseech Thee to imbue them with the spirit of wisdom, truth, and goodness that they may rule with law, order, justice and peace. Make them mindful that they will need help if in the making of laws they are to do all things in decency and in order, and in the fear of God.

Make us all strong in the love of righteousness so that we may be blessed by Thee to become a blessing to others, to the Praise of Thy Name; through our Lord Jesus Christ. Amen.

Pledge of Allegiance to the Flag

Mr. Cheney of Newton led the Convention in the Pledge of Allegiance to the Flag.

Leaves of Absence

Mr. Maxham of Concord was granted leave of absence for the day on account of important business.

Mr. Wheeler of Keene was granted leave of absence for today and Thursday on account of illness.

Introduction of Bills

The following bills were severally introduced, read a first and second time, and referred as follows:

By Committee on Rules, (Mr. Rowell of Newport), House Bill No. 508, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. To the Committee on Appropriations.

By Committee on Rules (Mr. Swett of Lancaster), House Bill No. 509, An Act relative to the powers of the commissioners of Coos County. To the Coos County Delegation.

On motion of Mr. Rowell of Newport the rules of the House were so far suspended as to dispense with the printing, reference to committee, and public hearing on House Bill No. 508.

On motion of Mr. Rowell of Newport the rules of the House were further suspended as to place House Bill No. 508 on third reading and final passage at the present time by title only.

Third Reading

House Bill No. 508, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mrs. Brungot of Berlin the rules of the House were so far suspended as to dispense with the printing of House Bill No. 509, An Act relative to the powers of the commissioners of Coos County.

The Clerk read the bill in full.

An Act relative to the powers of the commissioners of Coos County.

Be it enacted by the Senate and House of Representatives in General Court convened:

1 *Coos County Commissioners.* Amend RSA 28 by inserting after section 11 the following new section: 28:11-a *Personnel, Coos County.* Notwithstanding the provisions of the preceding section, the commissioners of Coos County shall not appoint the superintendent or matron of the county farm, house of correction, or county hospital without the approval of a majority of the executive committee of the county convention.

2 *Takes Effect.* This act shall take effect upon its passage.

Reports of Standing Committees

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 466, An Act providing for transportation aid to school districts, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 466 was sent to the Committee on Appropriations under the Rules.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred House Bill No. 500, An Act relative to

an interstate school district, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Negotiation of Compact Authorized.* The commissioner of education is authorized to consult with the commissioner of education of the state of Vermont and to prepare a compact or legislation relative to the creation, operation and dissolution of an Interstate School District to include the town of Hanover, New Hampshire and the town of Norwich, Vermont. The same authority is hereby conferred relative to any other New Hampshire and Vermont school districts. No such compact or legislation shall become effective to obligate the state of New Hampshire or any of its towns or school districts until it shall have been approved by the general court and by the United States Congress.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred Senate Bill No. 120, An Act relative to contracts for operation of schools in the state, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Sanborn of Hampton Falls the Clerk read the bill in full.

At the request of Mr. Sanborn of Hampton Falls, Mr. Plumer of Bristol explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Maloomian of Somersworth, for the Committee on Insurance, to whom was referred Senate Bill No. 155, An Act relative to life insurance policies, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Angus of Claremont, for the Committee on Labor, to whom was referred House Bill No. 495, An Act relative to funds for the payment of workmen's compensation to state

employees, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Angus of Claremont explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Kinghorn of Piermont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 501, An Act disannexing certain homestead in the town of Hooksett from the city of Manchester for school purposes, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Landaff, for the Committee on Agriculture, to whom was referred House Bill No. 480, An Act relative to fees for inspection of weights and measures, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraphs I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII of RSA 359:20 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Each scale with a weighing capacity of one hundred thousand one pounds and over twelve dollars and fifty cents.

II. Each scale with a weighing capacity of fifty thousand one pounds to one hundred thousand pounds, six dollars and twenty-five cents.

III. Each scale with a weighing capacity of five thousand one pounds to fifty thousand pounds, five dollars.

IV. Each scale with a weighing capacity of one thousand one pounds to five thousand pounds, three dollars and seventy-five cents.

V. Each scale with a weighing capacity of zero to one thousand pounds, one dollar.

VI. Each suspension scale as follows: over one hundred pounds, one dollar and twenty-five cents; one hundred pounds or less, seventy-five cents; overhead track, two dollars and fifty cents.

VII. Each counter balance, seventy-five cents.

VIII. Each computing scale, seventy-five cents.

IX. Each personal scale, slot, one dollar and twenty-five cents.

X. Each mechanical capacity device as follows: gasoline pump, one dollar and seventy-five cents; vehicle meter, three dollars and seventy-five cents; bulk storage meter, six dollars and twenty-five cents; kerosene pump, seventy-five cents; grease pump, seventy-five cents; liquid and dry measure, ten cents; oil bottles (nests), fifty cents.

XI. Each machine or other mechanical device used for determining linear or area measurement as follows: yard stick, twenty-five cents; all measuring machines, seventy-five cents; caliper or board rule, one dollar and twenty-five cents.

XII. Each taximeter or measuring device used upon vehicles to determine the cost of transportation, seventy-five cents.

XIII. Each measurement of a cart or truck body used in transportation, one dollar and twenty-five cents.

Mr. Nickerson of Goffstown moved that the words "Inexpedient to Legislate" be substituted for the words "Ought to Pass with amendment" and spoke in favor of the motion.

Mr. Clement of Landaff spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion was not adopted.

Mr. Nickerson of Goffstown requested a division.

A division being taken and it being manifestly in the negative the motion to substitute did not prevail.

Mr. Danforth of Manchester moved that House Bill No. 480 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

Mr. Clement of Landaff spoke against the motion.

(discussion ensued)

Mr. Nickerson of Goffstown spoke in favor of the motion.

At the request of Mr. MacIsaac of Laconia the Chairman of the committee, Mr. Clement of Landaff yielded to questions.

At the request of Mr. Pickett of Keene, Mr. MacIsaac of Laconia yielded to questions.

On a *viva voce* vote the motion did not prevail.

Mr. Pettigrew of Manchester requested a division vote.

The Chair asked that all members present stand and be counted.

After the full count of the members the Chair announced that on the division vote on the motion to indefinitely postpone, 94 members having voted in the affirmative and 167 members having voted in the negative, the motion to indefinitely postpone did not prevail.

On a *viva voce* vote the amendment was adopted.

Mrs. Palmer of Plaistow requested that she be recorded in the Journal as having voted for indefinite postponement.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 93, An Act relative to trespassing on land of another and at race tracks and defining cultivated land, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and section 4.

Further amend said bill renumbering sections 2, 3, 5 and 6 to read sections 1, 2, 3 and 4.

The Clerk read the amendment in full.

Mrs. Frizzell of Charlestown offered the following amendment to the amendment and spoke in favor.

Amend the amendment by striking out the same and inserting in place thereof the following:

1 *Trespass*. Amend RSA 572:15 (supp) as amended by 1955, 176:1 by striking out said section and inserting in place thereof the following: 572:15 *Penalty*. Whoever without right enters upon the cultivated land of another, or upon land within two hundred yards of a building, said land having been posted as provided in section 16 shall be fined not more than fifty dollars or imprisoned not more than six months, or both.

Further amend said bill by striking out section 4.

Further amend said bill by renumbering sections 5 and 6 to read sections 4 and 5.

Mr. Crosby of Hillsborough spoke in favor of the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question now being on the committee amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Report of Engrossed Bills Committee

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 492, An Act increasing the salary of the justice of the Keene municipal court.

Mr. Urie of New Hampton offered the following resolutions:

Whereas, the members of the House (and State Employees) have available in case of illness or accident, a room in the basement known as the First Aid Room, and

Whereas, Registered Nurse Bourgault presides over this room and administers faithfully to the needs of any who need her care, to the limit of her equipment, therefore be it

Resolved, That the Speaker appoint a committee of three members of the House of Representatives to consult with the Public Health Department for the purpose of recommending better equipment and better facilities for the First Aid Room.

On a *viva voce* vote the resolutions were adopted and the Chair appointed Mr. Claflin of Wolfeboro, Mrs. Cole of Nashua and Mr. Urie of New Hampton as members of the committee.

The Chair welcomed Mr. Ingraham of Portsmouth back to the House after a long illness.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that

third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 500, An Act relative to an interstate school district between Hanover, New Hampshire and Norwich, Vermont.

House Bill No. 495, An Act relative to funds for the payment of workmen's compensation to state employees.

House Bill No. 501, An Act disannexing certain homestead in the town of Hooksett from the city of Manchester for school purposes.

House Bill No. 480, An Act relative to fees for inspection of weights and measures, was read a third time.

Mr. Pickett of Keene requested a division vote on the passage of House Bill No. 480.

The Chair requested a standing count of the members present.

The Chair announced that 189 members having voted in the affirmative and 62 members having voted in the negative, House Bill No. 480 was passed and sent to the Senate for concurrence.

Reconsideration

Mr. Gilman of Farmington requested that the House reconsider its vote whereby it passed House Bill No. 480 and spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

The following Senate Bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 120, An Act relative to contracts for operation of schools in the state.

Senate Bill No. 155, An Act relative to life insurance policies.

Senate Bill No. 93, An Act relative to trespassing on land of another, and at race tracks and defining cultivated land,

was read a third time, passed, and sent to the Senate for concurrence in the House amendments.

Reconsideration

Mr. Crosby of Hillsborough, having voted with the majority, requested that the House reconsider its vote whereby it passed Senate Bill No. 93 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Gowing of Dublin the House adjourned at 12:46 o'clock.

THURSDAY, JULY 30, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Roger Guptil, Professor at Gammon Theological Seminary, Atlanta, Georgia as follows:

Our Heavenly Father, as we come to the beginning of a new day's work, we are thankful for many things. We are thankful for health and strength. We are thankful for our homes and for our country. We are thankful for the privilege of being here where we can help govern our beloved state. We are indeed grateful to our many friends who had enough confidence in our honesty and integrity to vote that we should represent them.

Because we are thankful for these things, we recognize our obligation to use the best wisdom we have in deciding what we consider right or wrong. We also humbly ask for courage to do what our minds tell us to do.

We realize that some of our problems are peculiar to New Hampshire. But we also realize that many of our problems are faced by legislators in other states, because in this day we are all so closely bound together as a nation. Perhaps we may be called upon to blaze some new trail in attempting to solve some of our problems. If so, may we have the spirit of daring that our forefathers had when they established our State.

We acknowledge our human frailty, and that we can make mistakes, but give us a willing spirit that will acknowledge our shortcoming and give us courage to keep on trying to do the right.

We ask Thy blessing upon all who are in authority over us: our President, the Congress, our Governor and our law-makers. Make us ever humble servants seeking to make our Nation great and good.

Enable us so to live this day that at its close we can look back upon an honest day's work and be thankful.

These blessings we ask in the name of our Master and Lord, Jesus Christ. Amen.

Pledge of Allegiance to the Flag

Mr. Howe of Tilton led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced a group of guests of the House from the Portsmouth Chamber of Commerce, courtesy of the Portsmouth Delegation.

Leaves of Absence

Mr. Bisbee of Derry was granted leave of absence for the day on account of a death in the family.

Mrs. Goodwin of Hollis and Mr. Chase of Durham were granted leave of absence for the day on account of important business.

Reports of Standing Committees

Mr. Marx of Langdon, for the Committee on Executive Departments and Administration to whom was referred House Bill No. 444, An Act creating a division of boards and commissions under the department of administration and control, having considered the same, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the committee.

Introduction of a Bill in New Draft

House Bill No. 444 (in new draft), An Act creating a division of boards and commissions under the department of administration and control, was introduced, read a first and

second time, and referred to the Committee on Executive Departments and Administration.

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 394 (in new draft), An Act to provide for the construction, operation, maintenance and financing of industrial treatment plants for removal of pollution in waters of the state, having considered the same, reported the same with the recommendation that the bill in its new draft ought to pass.

House Bill No. 394 was referred to the Committee on Appropriations under the Rules.

Mr. Monahan of Hanover explained the bill.

Mr. Urie of New Hampton moved that the rules of the House be so far suspended as to act on House Bill No. 394 at the present time and spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke in favor of the bill but against appointing a new commission.

(discussion ensued)

Mr. McGee of Lincoln spoke in favor of the bill but against appointing a new commission.

Mr. Urie of New Hampton spoke a second time in favor of the bill and subsequently withdrew his motion that the House act on House Bill No. 394 at the present time.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 508, An Act making temporary appropriations for expenses and encumbrances of the State of New Hampshire.

Amend section 4 of the bill by striking out in line 10 the figure "\$1,000" and inserting in place thereof the figure, \$1,500, so that said section as amended shall read as follows:

4 *Additional Appropriations.* The provisions of sections 1, 2 and 3 shall apply to the department of planning and development and forestry and recreation as well as to other departments. In addition to the appropriations provided in sec-

tion 1 there are hereby appropriated the following sums for the month of August, 1959:

For New Hampshire port authority	\$1,000
For general expenses of the legislature	\$100,000
For planning and development for Montreal office	\$1,700
For milk control board	\$1,500

The governor with the advice and consent of the council is authorized to draw his warrants for the sums appropriated under this section, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated. The expenditures for such additional appropriations shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

On motion of Mr. Rowell of Newport the House concurred in the amendment sent down from the Senate.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 246, An Act to define and to provide for licensing of real estate brokers and real estate salesmen.

Amend said bill by striking out the words "secretary of state" wherever they may appear in sections 4, 5, 6, and 7, and inserting in place thereof the words, commissioner of insurance, so that said sections as amended shall read as follows:

331-A:4 *Applications for Licenses.* Applications for licenses as broker or salesman shall be made to the commissioner of insurance, on forms prescribed by him, stating the age, sex, domicile and place of business of an individual applicant, and the place of incorporation and principal place of business of a corporate applicant; and shall be accompanied by affidavits of three residents of the state, owners of real estate in the state, stating that the applicant is a person of good repute, trustworthy, and entitled to public confidence; a firm, partnership association or corporation shall designate in its application the individual or individuals who are to serve as brokers under regulation. Upon completion of the required

fee, the commissioner of insurance shall issue the appropriate license.

331-A:5 *Fees.* The following license fees shall be charged and collected by the commissioner of insurance and shall be paid into the general fund of the state treasury:

(a) For each original broker's license a fee of fifteen dollars, and for each annual renewal thereof, a fee of ten dollars;

(b) For each original salesman's license a fee of ten dollars, and for each annual renewal thereof, a fee of five dollars.

331-A:6 *Non-residents.* Non-residents of this state may be licensed as brokers or salesmen in this state, provided that the state of their residence offers the same privileges to the licensed brokers and salesmen of this state. On making application such non-residents may substitute for the required affidavits, proof that they are licensed brokers or salesmen in another state, and shall file an irrevocable consent and power providing that legal actions may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside, by service of process or pleading authorized by the laws of this state, on the commissioner of insurance or his deputy, the consent or power stipulating that such service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the non-resident in this state.

331-A:7 *Suspension or Revocation of License.* The commissioner of insurance shall, upon complaint or his own motion, suspend the license of any broker or salesman who shall have been held liable for damages, by final judgment of any court, in any civil action at law or in equity for fraud, deceit or misrepresentation committed in and arising out of the conduct of his business as real estate broker or real estate salesman, or upon conviction of a felony committed in and arising out of the conduct of his business as real estate broker or real estate salesman. Said license shall be reissued upon proof of satisfaction of any such judgment, filed with the commissioner of insurance, or in the event of the conviction of such a felony, on application, as hereinabove provided, but in no case sooner

than one year from the date of such conviction. In the event of a second such judgment or conviction, after a prior such judgment or conviction for a different and separate such offense, the commissioner of insurance shall, upon his own motion, permanently revoke the license of any person found liable of or convicted of such second offense. The clerk of the court in which any such final judgment shall have been entered or any conviction recorded shall forthwith make return thereof to the commissioner of insurance giving the name of the defendant and the date of such judgment or conviction.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Repeal; Use of Funds.* RSA 331 relative to real estate licensing is hereby repealed provided that any balance of the unexpended balance of funds in the real estate registration fund provided by said RSA 331 shall be available to the insurance commissioner for the purpose of the preparation, printing, distribution and issuance of forms and registrations under the provisions of RSA 331-A and employment of necessary personnel therefor. Beginning March 1, 1960, the insurance commissioner is authorized to receive in advance applications for licenses and license fees for the year commencing July 1, 1960. The insurance commissioner, with the approval of the governor and council, is authorized to employ necessary temporary assistants to process advance applications between March 1 and July 1, 1960.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 *Takes Effect.* This provision of section 2 shall take effect as of March 1, 1960 and the remaining provisions of this act shall take effect as of July 1, 1960.

On motion of Mr. Marx of Langdon the rules of the House were suspended so as to dispense with the reading of the amendment.

Mr. Marx of Langdon explained the amendment.

On motion of Mr. Marx of Langdon the House concurred in the amendments sent down by the Senate.

The Senate Message further announced that the Senate has voted to concur in the amendment to the following entitled bill sent up from the House of Representatives:

Senate Bill No. 93, An Act relative to trespassing on land of another and at race tracks and defining cultivated land.

Personal Privilege

Mr. Crosby of Hillsborough rose on a point of personal privilege.

Mr. Green of Manchester rose on a point of personal privilege.

Mr. Pillsbury of Manchester rose on a point of personal privilege.

Reconsideration

Mr. Crosby of Hillsborough requested that the House reconsider its vote whereby it voted House Bill No. 418, An Act relative to powers of Hillsborough county commissioners, inexpedient to legislate, and spoke in favor of the motion.

Mr. Miskelly of Keene spoke in favor of the motion.

Mrs. Cole of Nashua spoke in favor of the motion.

(discussion ensued)

Mr. Green of Manchester spoke against the motion.

(discussion ensued)

At the request of Mr. Lafond of Manchester Mrs. Cole answered questions.

Mr. Crosby of Hillsborough spoke a second time in favor of the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Resolutions

Mr. Green of Manchester offered the following resolutions:

Whereas, in the interest of economy it is desired to reduce the number of printed bound journals of the house, therefore be it

Resolved, That all members desiring a bound journal of this session file their requests with the Clerk of the House by Thursday, August 6, and be it further

Resolved, That only those members who file such requests shall receive the bound journals.

On a *viva voce* vote the resolutions were adopted.

Mr. Gay of Derry offered the following resolutions:

Whereas, The father of Representative Kenneth M. Bisbee of Derry has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Bisbee a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

Mr. Duchano of Wakefield offered the following resolutions:

Whereas, Mrs. William H. Davies, mother of Representative Mary Senior Brown of Sandwich, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in her bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Brown a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that Mr. McGee of Lincoln had again become a grandfather.

The Chair also announced that today was the birthday of Mr. Wood of Portsmouth, Mrs. Moulton of New Durham and Mr. Stone of Webster.

Point of Personal Privilege

Mr. Collishaw of Exeter rose on a point of personal privilege to congratulate Mr. Wood of Portsmouth on his 79th birthday today.

The Chair greeted Mr. Batchelder of Deerfield on his return to the House after a tour of duty in Germany.

The Chair declared a 45 minute recess.

After Recess

Senate Messages

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of

the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 199, An Act to establish time and one-half for over-time work performed by trade classification employees in the department of public works and highways.

House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich.

House Bill No. 200, An Act relative to state aid for nursing education.

House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles.

House Bill No. 467, An Act providing that temporary loans may be made by the town of Hampton in anticipation of the issuance of bonds or notes.

House Bill No. 490, An Act relative to extension of appropriations for state aid for nursing education, and administration expenses.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 450, An Act relative to red lights on motor vehicle service trucks.

The Chair announced the following members as a committee for the Mock Session:

Committee for Mock Session

Mr. Pickett of Keene, <i>Chairman</i>	Mrs. Christiansen of Berlin
Mrs. Palmer of Plaistow	Mr. Pettigrew of Manchester
Mr. Geisel of Manchester	Mrs. DeLude of Unity
Mr. Desjardin of Dover	Mr. D'Amante of Claremont
Mrs. Dondero of Portsmouth	Mrs. Gordon of Jaffrey
Mrs. Lord of Gilford	Mrs. Ayre of Laconia

Report of Engrossed Bills Committee

Mrs. Chase of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 508, An Act making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

Senate Bill No. 93, An Act relative to trespassing on land of another and at race tracks and defining cultivated land.

On motion of Mr. Deans of Milford the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Deans of Milford the House adjourned at 1:59 o'clock to meet next Tuesday morning at 11:00 o'clock.

TUESDAY, AUGUST 4, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O Thou who in ages past first by fire and then by ice didst fashion the Old Man of the Mountain, Who didst cause the earth's crust to rise thereby creating our beautiful New Hampshire shoreline, in Thee do we place our trust, knowing that for Thee all things are possible. Reward then our faith, we pray, by Thy helpfulness. Let the members of the General Court and the Governor of our Granite State find such genuine satisfactions in their public service, that disappointments and setbacks may not end in cynicism or despair, but in renewed efforts. Help these men and women to be graceful victors and buoyant losers in the struggles of democracy's slow and sometimes dismaying process. At the end of each legislative day preserve our confidence in man, our self-respect and our trust in Thee, for Whom all things are possible. Amen.

Pledge of Allegiance to the Flag

Mr. Coutermarsh of Lebanon led the Convention in the Pledge of Allegiance to the Flag.

House

The Speaker introduced as his guest his former English teacher at the Meredith High School, Mrs. Avis Colby, who addressed the House briefly.

Leaves of Absence

Mr. Daneault of Hudson was granted leave of absence for the week on account of important business.

Mr. Turner of Gilsum was granted leave of absence for the day on account of important business.

Reports of Standing Committees

Mrs. Davis of Woodstock, for the Committee on Resources, Recreation and Development to whom was referred Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand road, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of twenty-five hundred dollars is hereby appropriated to be expended by the recreation division of the forestry and recreation commission for a survey and study on the shores of Ossipee Lake, in the town of Ossipee, and Willand Pond, in the cities of Somersworth and Dover, to determine a feasible site for the development of a multiple-use state park on each site. Of said sum nineteen hundred dollars may be spent on the Ossipee Lake survey and study and six hundred dollars may be spent on the Willand Pond survey and study. The results of such studies shall be reported to the respective county delegations of the general court at its next regular session. The report shall contain a description of potential park sites, with estimates of costs for land purchase, and a general scheme of development with rough estimates of costs. The governor is authorized to draw his warrants for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the Senate Joint resolution.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the Senate Joint resolution was referred to the Committee on Appropriations under the rules.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 351, An Act entitled The Uniform Commercial Code, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend RSA 382-A, as inserted by section 1 of the bill, by striking out sub-paragraph (c) of paragraph (1) of section 9-401, Part 4, Article 9, and inserting in place thereof the following:

(c) when the collateral is a building situated on land not belonging to the owner of the building, it shall be deemed real estate for the purposes of conveyancing and recording, and any deed, mortgage or other instrument of conveyance of such building shall be recorded in the registry of deeds in and for the county in which such building is located.

(d) in all other cases, in the office of the secretary of state and in addition, if the debtor has a place of business in only one town of this state, also in the office of the clerk of such town, or if the debtor has no place of business in this state, but resides in the state, also in the office of the clerk of the town in which he resides.

Amend section 2, paragraph I of said bill by striking out said paragraph and inserting in place thereof the following:

I RSA 294:53-294:73, regulating transfer of shares of stock; RSA 333, regulating assignment of accounts receivable; RSA 334:1-334:43 and 344:51-334:53, regulating bills of lading; RSA 335:1-335:49 and 335:56-335:59, regulating warehouse receipts; RSA 337:1-337:18 and 337:19-337:196, regulating negotiable instruments; RSA 340:1-340:2, regulating sales in bulk; RSA 346, regulating sales; RSA 348:7, 348:10-348:11 and 348:13-348:19, regulating bonded warehouses; RSA 360:1-360:20 and 360:25-360:30, regulating chattel mortgages; RSA 361, regulating conditional sales; RSA 390:20-390:22, permitting deferred posting; RSA 433, concerning borrowing for crop production; RSA 445, regulating trust receipts; RSA 446, as amended by 1957, 216:1, the factor's lien law; and RSA 511:18-511:20, regulating attachment of shares in a corporation are hereby repealed.

Further amend section 2 of said bill by striking out para-

graph V and inserting in place thereof the following new paragraphs:

V. Amend RSA 299:2 by striking out the word "only" in the third line thereof so that said section as amended shall read as follows: 299:2 *After Acquired Property*. Except as otherwise provided, corporate mortgage security for bonded or other indebtedness may include after-acquired property of the following classes: Real Estate, franchises, fixtures, machinery and rolling stock.

VI. Amend RSA 335:52 by striking out the reference "section 14" in the seventh line and inserting in place thereof the reference, RSA 382-A:7-601, so that said section as amended shall read as follows: 335:52 *Issue of Duplicate Receipts Not So Marked*. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in RSA 382-A:7-601, shall be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding three years, or by a fine not exceeding five thousand dollars, or both.

VII. Amend RSA 335:54 by striking out the reference "sections 14 and 36" in the seventh line and inserting in place thereof the reference, RSA 382-A:7-601, so that said section as amended shall read as follows: 335:54 *Delivery of Goods Without Obtaining Negotiable Receipt*. A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in RSA 382-A:7-601, be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars, or both.

VIII. Amend RSA 340:3 by striking out the words "or

any building situate on land not belonging to the owner of the building" in the fifth and sixth lines; and further amend said section by striking out the words "recorded in the town clerk's office in the town in which a mortgage of the same property would be entitled to record," in the ninth and tenth lines and inserting in place thereof the words, filed in the office of the town clerk or the secretary of state or in the registry of deeds, as the case may be where filing is required to perfect a security interest in such goods under RSA chapter 382-A, section 9-401, so that said section as amended shall read as follows: 340:3 *Memorandum; Record.* Constructive notice may be given of a sale of grain, threshed or unthreshed, straw, corn-fodder, hay, flax, potatoes, leaf tobacco, lumber, bark, wood or other fuel, bricks, stones, lime, gypsum, ore, manufacturing or other machinery, or hides in the process of tanning, by written memorandum signed by the vendor and vendee describing the property, its location and the consideration of such sale, and containing an affidavit as provided in the following section, and causing the same to be filed in the office of the town clerk or the secretary of state or in the registry of deeds, as the case may be where filing is required to perfect a security interest in such goods under RSA chapter 382-A, section 9-401.

Further amend said section by renumbering paragraphs VI through XIII to read paragraphs IX through XVI.

Amend paragraph XVI of section 2 of said bill by inserting after the words "except as" in the third line the word, to, so that said paragraph as amended shall read as follows: XVI. Amend RSA 511:23 by striking out the words "at the home or office of the town clerk in the same manner as attachment of real estate is made, except as to the place of filing the copy" in lines seven to nine and inserting in place thereof the words, at the office of the town clerk or the secretary of state or in the registry of deeds, as the case may be, where filing is required to perfect a security interest in such goods under chapter 382-A, Article 9, so that said section as amended shall read as follows: 511:23 *Bulky Articles, etc.* The officer taking possession to levy upon or attaching any livestock or articles which, by reason of their size, situation, fluidity, explosive or inflammable qualities, including motor vehicles, trucks, trailers, and tractors, are incapable of being conveni-

ently taken into actual possession may, within forty-eight hours thereafter, leave an attested copy of the writ, and of his return of such taking possession or such attachment thereon, at the office of the town clerk or the secretary of state or in the registry of deeds, as the case may be, where filing is required to perfect a security interest in such goods under chapter 382-A, Article 9; and in such cases the attachment shall not be dissolved or defeated by any neglect of the officer to take actual possession of the property. The officer upon completion of the attachment in the manner herein provided shall be under no duty to care for or preserve the attached property unless requested by the attaching creditor, who shall be responsible for all reasonable costs and expenses incurred by the officer, including his reasonable fees, in complying with such request.

Further amend said bill by striking out section 3 and inserting in place thereof the following:

3 *Laws Not Repealed.* The Article on Documents of Title (Article 7) of this Act does not repeal or modify any laws prescribing the form or contents of documents of title or services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in respects not specifically dealt with herein, but the fact that such laws are violated does not affect the status of a document of title which otherwise complies with the definition of document of title in chapter 382-A, section 1-201.

Further amend said bill by striking out section 6 and inserting in place thereof the following:

6 *Takes Effect.* This act shall take effect as of July 1, 1961.

At the request of Mr. Deans of Milford Mr. Crosby of Hillsborough explained the bill.

On a *viva voce* vote the amendments were adopted and the bill was ordered to a third reading.

Reconsideration

Mr. MacIsaac of Laconia requested that the House reconsider its vote whereby it adopted the resolution of the committee that House Bill No. 456, An Act relative to approval of supervisory union budgets by the school districts, was inexpedient to legislate.

Mr. MacIsaac of Laconia spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws.

Amend section 2 of the bill by striking out the same and substituting in place thereof the following:

2 This act shall take effect upon its passage.

On motion of Mr. Wardwell of Portsmouth the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 171, An Act relative to a bridge in Westmoreland.

Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs.

Senate Bill No. 160, An Act relative to reclassification of a road in the town of Rindge.

Introduction of Senate Bills

The following Senate bills were introduced, read a first and second time and referred as follows:

Senate Bill No. 171, An Act relative to a bridge in Westmoreland, to the Committee on Public Works.

Senate Bill No. 160, An Act relative to reclassification of a road in the town of Rindge, to the Committee on Public Works.

Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs, to the Committee on Liquor Laws.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund, having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the figure "\$1,358,221" in the fourth line and inserting in place thereof the figure, \$1,358,000.

Further amend said section 2 by inserting at the end thereof the words "The balance of \$221 shall be a charge upon the general funds of the state."

On motion of Mr. Bell of Plymouth the House concurred in the amendments.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

House Bill No. 214, An Act relating to statements of account between bank and depositors.

House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles.

House Bill No. 286, An Act relative to payment to outside schools furnishing instruction not available in this state.

House Bill No. 304, An Act adopting the uniform facsimile signatures of public officials act.

House Bill No. 490, An Act relative to extension of appropriations for state aid for nursing education, and administration expenses.

House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich.

Senate Bill No. 120, An Act relative to contracts for operation of schools in the state.

Senate Bill No. 155, An Act relative to life insurance policies.

Mr. King of Manchester offered the following resolutions for the Manchester Delegation:

Whereas, we have learned of the death of former Representative Louis J. Soucy, and

Whereas, Mr. Soucy was a representative from Ward 12 of Manchester for fourteen sessions during which time he served his ward, city and state with honor, therefore be it

Resolved, That we, the members of the House of Representatives in General Court assembled, do hereby pay homage to our fellow member and extend our sympathy to his family, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Soucy.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair declared a one minute recess.

After Recess

On motion of Mr. Marx of Langdon the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

House Bill No. 351, An Act entitled the Uniform Commercial Code, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mr. Grimes of Dover the House adjourned at 11:45 o'clock.

WEDNESDAY, AUGUST 5, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend Carl F. Schultz, Jr., of the Plymouth Congregational Church, Plymouth, as follows:

Almighty God, in this quiet moment there is no prayer that can be spoken for all of us. We bow our hearts before Thee, each a little world in himself, each with his own heavy regrets and his own high hopes, each with his own fears and each with his own faith, each with a prayer that no other can ever utter, each with praise no one else can ever offer. If we are wearied, strengthen us; if we are proud, humble us; if we are perplexed, enlighten us; if we are torn by inner strife and doubt, heal us; if we are wandering in meaningless activity and our lives have lost direction, gird our wills with Thy purpose; if we are discouraged by our failures, hearten us; if we have sinned, teach us how to repent; if we have been sinned against, teach us how to forgive; if we are selfish, teach us the needs of others that we may forget ourselves; if we are too critical, silence our tongues until our hearts learn how to understand; if we have tried in vain to pray, grant us the patience and the faith to wait in silence for Thy voice.

At all times, O Father, keep us faithful to our high calling. In all things may we seek to discover that which is best for our people, our State, our Nation and for the furtherance of Thy Kingdom. We ask these things in the name of the Master of Life. Amen.

Pledge of Allegiance to the Flag

Miss Loizeaux of Plymouth led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Clark of Derry was granted leave of absence for the day on account of illness.

Mr. Rollins of Alton was granted leave of absence for the day on account of important business.

Introduction of Bills

By the Committee on Rules (Mr. Sanborn of Enfield), House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959 in the town of Enfield, was introduced, read a first and second time, and referred to the Committee on Municipal and County Government.

Mr. Deans of Milford moved that printing of House Bill No. 510 be dispensed with.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

By the Committee on Rules (Mrs. Neale of Hanover), House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting, was introduced, read a first and second time, and referred to the Committee on Municipal and County Government.

Mr. Deans of Milford moved that printing of House Bill No. 511 be dispensed with.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Mr. Walsh of Manchester, for the Committee on Banks to whom was referred House Bill No. 431, An Act relative to investments of common trust funds, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Turner of Gilsum, for the Committee on Municipal and County Government to whom was referred Senate Bill No. 167, An Act legalizing the annual school district meeting of the Strafford school district, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry and Mr. Newell of Concord for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 200, An Act relative to state aid for nursing education.

HB 246, An Act to define and to provide for the licensing of real estate brokers and real estate salesmen.

HB 477, An Act to authorize towns to adopt building codes by reference.

SB 42, An Act relating to utility poles.

HB 241, An Act relative to employment of minors under liquor and beverage laws.

HB 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations.

HB 502, An Act relative to the charter of the city of Keene as to filling vacancies.

Senate Messages

The Senate Message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

SB 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways.

Introduction of a Senate Bill

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways, was introduced, read a first and second time and referred to the Committee on Public Works.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 467, An Act providing that temporary loans may be made by the town of Hampton in anticipation of the issuance of bonds or notes.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1 *Borrowing by Town of Hampton.* Despite the provisions of any other law or statute, if the town of Hampton in Rockingham county votes to issue bonds or serial notes in accordance with the provisions of the municipal finance act, the officers authorized to issue the same may, in the name of the town of Hampton, make a temporary loan for a period of not more than one

On motion of Mr. McMeekin of Haverhill the House concurred in the Senate amendment.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations.

House Bill No. 402, An Act to create the town of Hampton Marsh Reclamation Authority.

House Bill No. 502, An Act relative to the charter of the city of Keene as to filling vacancies.

Mr. Willey of Campton moved that the rules of the House be so far suspended as to take action on House Bill No. 166, An Act relative to the practice of professional nursing, at the present time.

Mr. Crosby of Hillsborough spoke against the motion.

Mr. Willey of Campton and Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Nickerson of Goffstown spoke against the motion.

Mrs. Dendero of Portsmouth spoke against the motion.

(discussion ensued)

Mr. Crosby of Hillsborough spoke a second time against the motion.

Mr. Willey of Campton withdrew his motion.

Mr. Monahan of Hanover moved that the rules of the House be so far suspended as to take action on Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River watershed, at the present time.

Mr. Monahan of Hanover spoke in favor of the motion and subsequently withdrew his motion.

Mr. Grimes of Dover offered the following resolutions:

Whereas, There has been much publicity regarding issuance by the state of credit cards for the purchase of gasoline, and

Whereas, More such credit cards have been issued than there are pieces of motor equipment owned by the state, therefore be it

Resolved, That a committee consisting of five members of the House of Representatives, not more than three of whom shall be of the same political party, be appointed by the Speaker to investigate the purchase and distribution of gasoline for the state, including the reasons for issuance of more credit cards than state owned vehicles. The committee may ask the assistance of the Attorney General and his staff and the cooperation of the heads of departments and institutions in its investigation. Said committee shall report its findings to the House not later than Wednesday, August 19th, 1959.

The Chair referred the above resolutions to the Committee on Transportation.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

House Bill No. 431, An Act relative to investments of common trust funds, was read a third time, passed, and sent to the Senate for concurrence.

Senate Bill No. 167, An Act legalizing the annual school district meeting of the Strafford school district, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Hart of Manchester the House adjourned at 11:45 o'clock.

THURSDAY, AUGUST 6, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Eternal God, to the legislators and executives of our State a great trust has been committed with significant obligations. It demands that cynicism be overcome by an abiding confidence in the service of public office, that compromise with

ethics be avoided through the strength of courage, that unjust complaint be endured in patience . . . the verbal abuses of those who either do not know or care what responsibilities rest on every public servant. So our prayer for those of this General Court and for our Governor is that enthusiasm and idealism shall be preserved in their hearts. Bless, O Lord, the public servant who bears well the duty of his office. Amen.

Pledge of Allegiance to the Flag

Mrs. Brungot of Berlin led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

The Chair introduced Honorable John Maguire, representative from Maryland House of Delegates, as Guest of the House today. Mr. Maguire addressed the House briefly.

Committee Reports

Mr. Keefe of Portsmouth, for the Committee on Public Works to whom was referred House Bill No. 503, An Act relative to the New Hampshire State Port Authority, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Pillsbury of Manchester, Mr. Gallo-way of Walpole explained the bill.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the bill.

(discussion ensued)

Mr. Kimball of Manchester and Mr. Gilman of Farmington spoke in favor of the bill.

Under the rules of the House, House Bill No. 503 was referred to the Committee on Appropriations.

Mr. Monahan of Hanover, for the Committee on Resources, Recreation and Development to whom was referred Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River watershed, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out all after paragraph VI and inserting in place thereof the following:

VII. East Branch Pemigewasset River, in the towns of Lincoln and Woodstock, from the dam of the Franconia Paper Corporation (formerly Marcalus Manufacturing Company), to confluence with the Pemigewasset River, Class D.

VIII. Pemigewasset River from its confluence with East Branch Pemigewasset River in the town of Woodstock to the crest of the Eastman Falls Dam in Franklin, Class D.

IX. Baker River, in the town of Plymouth, from a point 300 feet upstream of the bridge abutment of the Plymouth to Woodsville branch of the Boston and Maine Railroad to confluence with the Pemigewasset River, Class D.

X. Squam River, in the town of Ashland, from the outlet of Little Squam Lake to confluence with the Pemigewasset River, Class D.

XI. Newfound River, in the town of Bristol from the highway bridge on Route 3A (Lake Street) between Chandler and Crescent Streets to confluence with the Pemigewasset River, Class D.

XII. All tributaries to the Pemigewasset River hitherto unclassified except those portions in paragraphs I, II, III, IV, V, VI, VII, VIII, IX, X, and XI, in the towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Center Harbor, Danbury, Ellsworth, Franklin, Groton, Hebron, Hill, Holderness, Meredith, Moultonborough, New Hampton, Orange, Plymouth, Rumney, Sanbornton, Sandwich, Thornton, Warren, and Woodstock from the confluence of East Branch Pemigewasset River and the Pemigewasset River in the town of Woodstock to the crest of the Eastman Falls Dam in Franklin, Class B-1.

XIII. All other surface waters of the Pemigewasset River watershed hitherto unclassified down to the crest of Eastman Falls Dam in Franklin, Class B-1.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 *Compliance.* Anything to the contrary in RSA 149:8, II, notwithstanding, any order for abatement of pollution in the water mentioned in paragraphs IV, VII, VIII, IX, X, and XI inclusive, shall be deemed to be complied with if the pollution is abated within a period of ten years from the effective

date of this act; and provided, however, that at any time within the compliance periods granted hereunder it becomes apparent that full compliance with the adopted classifications will not be attained by the end of such periods due to the failure of any person to take action reasonably calculated to secure abatement of the pollution within the time specified, the Commission shall notify such person or persons in writing. If such person or persons shall fail or neglect to take appropriate steps to comply with the classification requirements within a period of thirty days after such notice, the Commission shall seek appropriate action in the courts of the State.

Further amend the bill by striking out sections 2-a, 3, 3-a, 4 and 5. Amend section 6 of the bill by striking out the word "July" and inserting in place thereof the word September, and by renumbering said section to read section 3, so that said section as amended shall read as follows:

3 *Takes Effect.* This act shall take effect as of September 1, 1959.

Mr. Monahan of Hanover explained Senate Bill 20 and its amendments.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Monahan of Hanover, for the Committee on Resources, Recreation and Development, to whom was referred Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the word "July" in the first line and inserting in place thereof the word, September, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect as of September 1, 1959.

The Clerk read the amendment in full.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Gove of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 166, An Act relative to the practice of professional nursing, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraphs I and II of RSA 326-A:3 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I *Appointments, Terms.* There shall be a board of nursing education and nurse registration consisting of five nurses, one to be appointed each year by the commissioner of education. The term of office of each shall be five years and until a successor is appointed and qualified. Vacancies shall be filled in like manner for the unexpired term.

II *Qualifications.* Each member of the board shall (a) have had not less than five years of successful experience in the nursing profession, (b) be a registered nurse in New Hampshire, (c) be actively engaged in professional nursing in this state. At least two members of the board shall have had two years experience in the field of nursing education and at least one member shall be a public health nurse.

Further amend said bill by striking out section 5 and inserting in place thereof the following:

5 *Takes Effect.* This act shall take effect sixty days after its passage.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 166, An Act relative to the practice of professional nursing, having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

LAURENCE M. PICKETT,
HILDA C. F. BRUNGOT

Mrs. Brungot of Berlin moved that the report of the minority "Ought to Pass" be substituted for the report of the majority "Ought to Pass with amendment" and spoke in favor of the motion.

(discussion ensued)

Mrs. Frizzell of Charlestown spoke against the motion.

(discussion ensued)

Mr. Willey of Campton spoke in favor of the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Introduction of Guests

The Chair introduced as Guests of the House today a group from Brazil, South America, here as participants in the Labor Leader Training Program, under the auspices of the United States Department of Labor.

The question now being on the motion from the member from Berlin to substitute the minority report for the report of the majority.

Mr. Tobin of Manchester spoke against the motion.

Mrs. Brown of Sandwich spoke in favor of the motion.

Mr. Diffenderfer of Ossipee spoke against the motion.

Mr. Kimball of Manchester spoke in favor of the motion.

(discussion ensued)

(Mr. Chandler of Bartlett in the Chair)

Mr. Coutermarsh of Lebanon and Mrs. Cooper of Nashua spoke in favor of the motion.

Mr. Nickerson of Goffstown and Mrs. Dondero of Portsmouth spoke in favor of the motion.

(discussion ensued)

Messrs. Bradbury of Claremont, Vachon of Manchester and Pickett of Keene spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke against the motion.

(discussion ensued)

Mrs. Davis of Concord spoke in favor of the motion.

(discussion ensued)

Mr. Diffenderfer of Ossipee and Mrs. Frizzell of Charlestown spoke a second time against the motion.

(discussion ensued)

(Speaker in the Chair)

Mr. Crosby of Hillsborough spoke a second time against the motion.

Mr. Willey of Campton requested a division vote.

The division vote being manifestly in the affirmative the motion to substitute the minority report prevailed.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit the third reading of House Bill No. 166 by title only at the present time.

Third Reading

House Bill No. 166, An Act relative to the practice of professional nursing, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 166, An Act relative to the practice of professional nursing, and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Messages

The Senate Message announced that the Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolution with an amendment, in the adoption of which amendment the Senate asks the concurrence of the House of Representatives.

Concurrent Resolution memorializing Congress relative to pensions of veterans of World War I.

Amend the first resolving clause by striking out the same and inserting in place thereof the following:

Resolved, That the General Court of the State of New Hampshire memorializes the Congress of the United States to take action to provide adequate pensions for World War I veterans based on fair principles of disability and need, and be it further

On motion of Mr. Jenkins of New Castle the House concurred in the amendment sent down by the Senate.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 172, An Act relative to taking bass in Lake Spofford.

Introduction of a Senate Bill

Senate Bill No. 172, An Act relative to taking bass in Lake Spofford, was introduced, read a first and second time and referred to the Committee on Fish and Game.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 453, An Act relative to limitations on investments of savings banks.

House Bill No. 387, An Act relative to motor vehicle license plates issued to members of the general court.

House Bill No. 390, An Act relative to taking fresh water smelt and pickerel.

House Bill No. 427, An Act relating to motor carriers of property.

House Bill No. 443, An Act relative to motor vehicle warranty contracts.

House Bill No. 501, An Act disannexing certain homestead in the town of Hooksett from the city of Manchester for school purposes.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund.

The Chair announced that today is the birthday of Mr. O'Shan of Laconia, and Mr. Snow of Gilmanton.

The Chair also announced that tomorrow is the birthday of Mr. Leonard of Franklin and Mr. Wheeler of Keene.

Personal Privilege

Mr. McGee of Lincoln rose on a point of personal privilege.

Mr. Batchelder of Deerfield rose on a point of information.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following Senate Bills were severally read a third time, passed, and sent to the Senate for concurrence in the House amendments.

Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River Watershed.

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes.

On motion of Mr. Crowley of Manchester the House adjourned at 1:01 o'clock.

TUESDAY, AUGUST 11, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

"Sov'reign and transforming Grace!
We invoke Thy quick'ning pow'r;
Reign the spirit of this place,
Bless the purpose of this hour.
Work in all; in all renew,
Day by day, the life divine;
All our wills to Thee subdue,
All our hearts to Thee incline."

(Frederick Henry Hedge)

Renew us in our dedication to serve the people of our Granite State, O Lord. Let us neither hurry to the exclusion of what ought to be done, nor tarry in doing what should be avoided. May Governor and General Court alike, sense anew the mission with which they have been entrusted by our people, and in this awareness find the strength of Thy sovereign and transforming Grace. Amen.

Pledge of Allegiance to the Flag

Mr. Cormier of Somersworth led the Convention in the Pledge of Allegiance to the Flag.

House

Mr. Wheeler of Keene was granted leave of absence for the day on account of illness.

Mr. Spollett of Chester was granted leave of absence for the day on account of important business.

Mr. Kimball of Manchester was granted an indefinite leave of absence on account of illness.

The Chair announced that Mr. J. Raymond Theriault from Salem Depot had been appointed Page for division 5 as of Tuesday, August 4th.

Reports of Standing Committees

Mr. Hodgdon of Tuftonborough, for the Committee on Appropriations to whom was referred House Bill No. 96, An Act appropriating funds for the state soil conservation program, having considered the same, reported the same with the recommendation that the bill be referred to the next session of the Legislature.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. St. Pierre of Rochester, for the Committee on Appropriations to whom was referred House Bill No. 175, An Act to provide for a study of public access to the public lakes and ponds of the state over ten acres in extent, having considered the same, reported the same with the recommendation that the bill be referred to the Legislative Council.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. Neale of Hanover, for the Committee on Appropriations to whom was referred House Bill No. 219, An Act providing for a special committee to be known as the governor's committee on higher education in the state, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking section 8.

The Clerk read the amendment in full.

At the request of Mr. Pillsbury of Manchester, Mrs. Neale of Hanover explained the amendment.

(discussion ensued)

The Chair declared a one minute recess.

After Recess

Mrs. Neale of Hanover offered the following amendment to the amendment.

Amend section 8 "to take effect upon passage."

On a *viva voce* the amendment to the amendment was adopted.

The question now being on the amendment as amended.

Mr. Bradley of Hanover explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 6, Joint Resolution providing for the acquisition of aircraft, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Atwood of Sanbornton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood, having considered the same, reported the same with the recommendation that the Joint Resolution be referred to the next session of the Legislature.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. Taylor of Whitefield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 40, Joint resolution relative to apportionment of representatives in the house of representatives, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out the figures "\$1,000" in the sixth line and inserting in place thereof the figures, \$500, so that said joint resolution as amended shall read as follows:

That the speaker of the house appoint a committee of five members to study such apportionment and said committee shall report its findings and recommendations to the house as soon as possible and in no case later than the 1961 session of the general court. The members of the committee shall serve without compensation but shall be reimbursed for their actual expenses. Said expenses shall not exceed \$500 and shall be a charge upon the legislative appropriation.

The Clerk read the amendment in full.

At the request of Mrs. Brungot of Berlin, Mrs. Taylor of Whitefield explained the bill.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 53, Joint Resolution in favor of Catherine M. Zonghi, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 30, An Act relative to the filing of straw candidates, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. King of Manchester, Mr. Crosby of Hillsborough explained the bill.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Tobin of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 261, An Act providing certain fees for approval of corporation papers by attorney general, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Healy of Manchester, Ward 6, for the Committee on Judiciary, to whom was referred Senate Bill No. 56, An Act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with respect thereto, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Green of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 125, An Act relating to care of the blind, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following new title:

An Act relative to blind pedestrians crossing ways.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following new section:

1 *Protection of Blind Persons Crossing Ways.* Amend RSA 263:58 (supp) as amended by 1957, 184:1, by striking out said section and inserting in place thereof the following: 263:58 *Care Required.* Whenever a totally or partially blind pedestrian, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, crosses or attempts to cross a way, the driver of every vehicle approaching the place where such pedestrian is crossing or attempting to cross shall bring his vehicle to a full stop, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian. Nothing contained in this section shall be con-

strued to deprive any totally or partially blind person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing ways.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mrs. Dondero of Portsmouth, for the Committee on Judiciary, to whom was referred Senate Bill No. 127, An Act relating to the educational expenses of minors, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1 *Borrowing by Minors.* Amend RSA 193 by adding at the end thereof the following new section: 193:26 *Obligations of Minors.* The fact of minority shall not affect the obligations of a person borrowing money from a university, college or technical institute, approved by the National Defense Student Loan Program, whether or not the money borrowed originates from funds appropriated for said program; and the defense of infancy shall not be available to such person in any suit brought upon a note or other instrument evidencing such obligation.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Dutton of Peterborough, for the Committee on Banks to whom was referred House Bill No. 433, An Act relating to the taxation of banks, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "three" in the second and fifth lines and inserting in place thereof the words, one and one-half, so that said section as amended shall read as follows:

1 *Capital Stock Tax.* Amend RSA 84:1 by striking out the word "one" in the second line and inserting in place thereof the words, one and one half, so that said section as amended shall read as follows: 84:1 *Tax on Par Value of Capital Stock.* Every national bank annually shall pay, for and on

behalf of its stockholders, a tax of one and one-half per cent on the par value of its capital stock, and such tax shall be paid by the bank to the towns or cities where the stockholders reside in proportion to the amount owned by the stockholders of each town or city; but such portion of said tax as is represented by shares owned by persons residing out of the state shall be paid to the town or city where the bank is located; provided, however, that preferred stock of any such bank authorized and issued under the provisions of an act of Congress approved March 9, 1933, entitled "An Act to Provide Relief in the Existing National Emergency in Banking, and for Other Purposes" and amendments thereof shall be exempt herefrom.

Amend RSA 84:16-c as inserted by section 2 of the bill by striking out the word "two" in the fourth line and inserting in place thereof the word, one, so that said section as amended shall read as follows: 84:16-c *Imposition of Tax*. Every such corporation as defined in section 16-a shall at the time of filing the reports provided for above pay to the division of interest and dividends, state tax commission, a franchise tax for the privilege of engaging in the banking business equal to one per cent of the total amount of interest, dividends, and divided profits paid or declared by it on its savings deposits, special deposits, shares and capital stock in the twelve months' period preceding April first; There shall be deducted from the tax imposed by this section the amount which any national bank shall pay under the provisions of section 1 or which any other bank or trust company shall pay under the provisions of section 16-d; but the extent of such credit as to any such bank or trust company shall not exceed the amount of the tax imposed by this section, and such deduction shall not be allocable among the several towns in the distribution of the amount of tax collected.

Amend RSA 84:16-d as inserted by section 2 of the bill by striking out the word "three" in the fifth line and inserting in place thereof the words, one and one-half, so that said section as amended shall read as follows: 84:16-d *Additional Tax*. Every such corporation as defined in section 16-a, except mutual savings banks, building and loan associations, co-operative banks, federal savings and loan associations and other similar mutual institutions, shall in addition pay at the

same time to said division a further tax for the privilege of conducting such business, equal in amount to one and one-half per cent annually upon its capital stock or special deposits; provided, however, that preferred capital stock or preferred special deposits of such corporations issued with the approval of the bank commissioner, or the comptroller of the currency under the provisions of an act of Congress approved March 9, 1933 entitled "An Act to Provide Relief in the Existing National Emergency in Banking and for Other Purposes" and amendments thereof shall be exempt therefrom.

We, the undersigned, a minority of the Joint Committee on Banks and Ways and Means to whom was referred House Bill No. 433, An Act relative to taxation of banks, having considered the same and being unable to agree with the majority, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

HERMAN L. SMITH

Mr. Dutton of Peterborough moved that House Bill No. 433 be recommitted to the Joint Committee on Banks and Ways and Means.

Mr. Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted and House Bill No. 433 was referred to the Joint Committee on Banks and Ways and Means.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 489, An Act authorizing the establishment of a bank branch in Penacook, having considered the same, reported the same in new draft and with new title with the recommendation that the bill in new draft and with its new title, be referred to the Committee on Judiciary and Banks.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a bill in new draft and new title.

On a *viva voce* vote the motion was adopted.

Introduction of a Bill

By Mr. Crosby of Hillsborough, House Bill No. 489 (In new draft and new title), An Act authorizing banking facilities under limited conditions, was introduced, read a first and second time, laid on the table for printing and referred to the Joint Committees on Judiciary and Banks.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 468, An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach.

Amend the title of said bill by adding at the end thereof the words "and relative to a highway in the town of Kingston" so that said title as amended shall read as follows:

An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach and relative to highways in the town of Kingston.

Amend said bill by inserting after section 4 the following new section:

5 *Road in Kingston.* The road in the town of Kingston known as the Newton Junction Road shall hereafter be classified as a Class II Highway, and the road known as the Country Pond Road in Kingston from Class II to Class V.

Further amend said bill by renumbering section 5 to read section 6.

On motion of Mr. Galloway of Walpole the House concurred in the Senate amendment.

Report of Committee of Conference

Mr. Dutton of Peterborough moved that reading of the report be dispensed with.

On a *viva voce* vote the motion was adopted.

The Committee of Conference, to whom was referred House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state, having considered the same, reported the same, with the following recommendation: That the House recede from its position of nonconcurrency in the adoption of the Senate amendment, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby established a special committee consisting of nine members who are authorized and directed to study and review the banking laws of the state and to supervise the work necessary to revise, recodify and amend said banking laws and to arrange them in a systematic, annotated and condensed form, so far as they deem necessary, according to the general scheme and plan of the Revised Statutes Annotated. The bank commissioner and the attorney general shall be members ex officio of said committee provided that the attorney general may designate one of his assistants to act as such ex officio member in his place. The remaining seven members of said committee shall be: one member of the senate appointed by the president, one member of the house appointed by the speaker, and five members who shall be residents of the state and shall be appointed by the governor and council as follows: one shall be a person associated with a mutual or guaranty savings bank; one shall be a person associated with a trust company; one shall be a person associated with a cooperative bank; one shall be a person associated with a credit union; and one shall be a person associated with a loan company. The members of said committee shall serve without compensation but within the limits of the appropriation made hereafter shall be reimbursed for all reasonable expenses incurred in performing their official duties hereunder. The members of said committee shall have full authority to assign such portions of its work as it deems suitable to committees of persons not members of said committee who have had training and experience in the different types of banking and financial institutions which are subject to the supervision of the bank commissioner, provided, how-

ever, that all recommendations made by such non-members relative to revision of the banking statutes shall be carefully reviewed and approved by the committee before they are submitted to the legislature. Such non-members shall receive no compensation for their services but within the limits of the appropriation made hereafter shall be reimbursed for their reasonable traveling expenses. The special committee shall, on or before January 30, 1961, report its findings to the 1961 session of the general court and make specific recommendations relative to revision of the banking statutes. The sum of fifteen hundred dollars is hereby appropriated to be expended by said committee in carrying out the purpose hereof and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

PHILIP S. DUNLAP,
PAUL G. KARKAVELAS,
Conferees of the Senate.

C. F. DUTTON,
JOSEPH H. GEISEL,
LAWRENCE M. PICKETT,
Conferees of the House.

Mr. Dutton of Peterborough moved that the House adopt the report of the Committee of Conference.

On a *viva voce* vote the motion was adopted.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 387, An Act relative to motor vehicle license plates issued to members of the general court.

House Bill No. 427, An Act relating to motor carriers of property.

House Bill No. 443, An Act relative to motor vehicle warranty contracts.

House Bill No. 453, An Act relative to limitations on investments of savings banks.

House Bill No. 467, An Act providing that temporary loans may be made by the town of Hampton in anticipation of the issuance of bonds or notes.

House Bill No. 501, An Act disannexing certain homestead in the town of Hooksett from the city of Manchester for school purposes.

Senate Bill No. 167, An Act legalizing the annual school district meeting of the Strafford school district.

House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund.

House Bill No. 390, An Act relative to taking fresh water smelt and pickerel.

Resolutions

Mr. Geisel of Manchester offered the following resolutions:

Whereas, Charles W. Kimball, Representative from Manchester, Ward 2, is ill and in the Notre Dame hospital, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our fellow member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Kimball a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that bills be read by their title only and House Joint Resolution by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bill and House Joint Resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 219, An Act providing for a special committee to be known as the governor's committee on higher education in the state.

House Joint Resolution No. 40, Joint Resolution relative to apportionment of representatives in the house of representatives.

The following Senate Bills were severally read a third time, passed, and sent to the Senate for concurrence in the House amendments:

Senate Bill No. 125, An Act relating to blind pedestrians crossing ways.

Senate Bill No. 127, An Act relating to the educational expenses of minors.

On motion of Mrs. Frizzell of Charlestown the House adjourned at 11:52 o'clock.

WEDNESDAY, AUGUST 12, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Light of the darkest night, Guiding Beacon for man in his uncertain passage, do Thou illumine our ways, we pray. Do Thou make us more understanding and less suspicious of one another. Do Thou help us to maintain the dignities of courtesy and respect in our public life, as in our private endeavors. We pray that we may have the common sense to refrain from making judgments of others in advance of the facts, indeed, that we may set an example to the people of New Hampshire of judiciousness as well as vision. O God, do Thou through the experiences, happy and unhappy, of public service teach us that more vital than our differences is our common need to feel worthy in the sight of our fellows and our shared concern for the well-being of our State. Give birth within our hearts amid the dynamism of legislative action to a sense of fraternity and community, so that however scorching may be the heat of the day, stronger yet shall be Thy Light, guiding us in paths of tolerance and love. Amen.

Pledge of Allegiance to the Flag

Mr. Carter of North Hampton led the Convention in the Pledge of Allegiance to the Flag.

Guests

Fay Bergeron and Virginia Noyes of Manchester were

guests of the House today, courtesy of Mr. Bergeron of Manchester.

Leaves of Absence

Mr. Harkins of Laconia was granted a leave of absence for the week on account of a death in the family.

Mr. Locke of New Boston was granted leave of absence for the day on account of important business.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 195, An Act relative to searches for lost persons and drowning victims by the fish and game department, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Urie of New Hampton moved that the words "Ought to Pass" be substituted for the report of the Committee "Inexpedient to Legislate," and spoke in favor of the motion.

Mr. King of Manchester spoke against the motion.

(discussion ensued)

Mr. Merrifield of Sunapee spoke in favor of the motion.

Mr. Urie of New Hampton withdrew his motion to substitute the words "Ought to Pass" for the report of the Committee "Inexpedient to Legislate."

On a *viva voce* vote the resolution of the committee was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

Mrs. Davis of Concord moved that the words "Inexpedi-

ent to Legislate" be substituted for the report of the Committee "Ought to Pass," and spoke in favor of the motion.

(discussion ensued)

Messrs. Gove of Concord, King of Manchester, Gibson of Concord and Rowell of Newport spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

(discussion ensued)

Mr. Crosby of Hillsborough moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote House Joint Resolution No. 10 was ordered to a third reading.

Mrs. Atwood of Sanbornton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 17, Joint Resolution relative to control of the Dutch Elm disease, having considered the same, reported the same with the recommendation that the joint resolution be referred to the next session of the Legislature.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. Atwood of Sanbornton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 18, Joint Resolution to provide increased funds for geologic mapping, having considered the same, reported the same with the recommendation that the joint resolution be referred to the next session of the Legislature.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 38, Joint Resolution relating to the opening date of schools, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 99, An Act relative to porcupines, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Plumer of Bristol offered the following amendment:

Amend section 1 of the bill by inserting after the word "destroyed" in the ninth line the words, of which sum one-half shall come from the town or city in question, so that said section as amended shall read as follows:

1 *Bounties*. Amend RSA 470:2 (supp) as amended by 1955, 238:1 by striking out said section and inserting in place thereof the following: 470:2 *Porcupines*. If any person shall kill a porcupine within this state and shall produce the head thereof to the selectmen of the town or clerk of the city in which it was killed, and shall prove to their satisfaction that such porcupine was killed by him, within the limits of said town or city, the selectmen or city clerk shall destroy the head so produced so that it cannot be offered again for bounty, and shall pay fifty cents for each porcupine so destroyed, of which sum one-half shall come from the town or city in question. Any person producing for bounty to the selectmen or city clerk the head of a porcupine, killed outside the limits of that town or city, shall be fined not less than ten dollars, or imprisoned thirty days, or both. Said towns and cities shall be reimbursed for payment of said bounties as provided in section 4 hereof.

The Clerk read the amendment in full.

Mr. Plumer of Bristol spoke in favor of the amendment.

(discussion ensued)

Mr. Bisbee of Derry spoke against the amendment.

(discussion ensued)

Mrs. Brungot of Berlin spoke against the amendment.

Mr. Plumer of Bristol rose on a point of personal privilege.

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Galloway of Walpole, for the Committee on Public Works to whom was referred House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the state, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 9 and inserting in place thereof the following:

9 *Limitations.* Notwithstanding any other provisions hereof, if federal funds allotted to the state under the Federal Highway Act of 1956, or under other similar federal legislation, should be insufficient to pay for the portions of the program contemplated hereunder, the governor and council shall order the commissioner not to enter into further contracts on behalf of the state until further federal funds shall be available.

The undersigned, a minority of the Committee on Public Works, to whom was referred House Bill No. 461, An Act providing funds for accelerated highway construction and improvement program for the state, having considered the same, and being unable to agree with the majority, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

ROBERT E. PLOURDE
JOHN A. WIRKKALA
WILLIAM E. COLBATH
REUBEN S. MOORE
HENRY C. NEWELL

Mr. Plourde of Pembroke moved that the minority report "Inexpedient to Legislate" be substituted for the report of the majority "Ought to Pass with amendment" and spoke in favor of the motion.

Mr. Galloway of Walpole spoke against the motion.

(discussion ensued)

Mr. Coutermarsh of Lebanon spoke against the motion.

Mr. Varney of Rochester spoke in favor of the motion.

Mr. Miskelly of Keene spoke against the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke against the motion.

(discussion ensued)

Mr. Burrill of Littleton spoke against the motion.

Mr. Newell of Concord spoke in favor of the motion.

(discussion ensued)

Mrs. DeLude of Unity spoke against the motion.

(discussion ensued)

Mr. Wirkkala of Lempster spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

The Chair declared a one hour recess.

(After Recess)

The question is on the motion to substitute the report of the minority "Inexpedient to Legislate" for the report of the majority that House Bill No. 461 "Ought to Pass with amendment."

Mr. Colbath of Dover moved that House Bill No. 461 be indefinitely postponed and spoke in favor of the motion.

Mr. Urie of New Hampton spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Chandler of Bartlett spoke in favor of the motion.

Mr. Deans of Milford spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

Mr. MacIsaac of Laconia moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to indefinitely postpone House Bill No. 461.

On a *viva voce* vote the motion did not prevail.

The question now being on the motion to substitute "Inexpedient to Legislate" for "Ought to Pass with amendment."

On a *viva voce* vote the motion to substitute did not prevail.

The question now being on the committee amendment.

On a *viva voce* vote the amendment was adopted and House Bill No. 461 was referred to the Committee on Appropriations under the Rules.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred Senate Bill No. 71, An Act relative to verification of individual savings deposit books, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred House Bill No. 29, An Act relative to requirements for licenses under small loans act, having considered the same, reported the same with the following Resolution:

Resolved, That the bill be referred to a study committee proposed by House Joint Resolution No. 30.

On a *viva voce* vote the resolution was adopted.

Mrs. Hartigan of Rochester, for the Committee on Banks to whom was referred House Bill No. 61, An Act providing limitations on rate of interest on loans of over three hundred dollars, having considered the same, reported the same with the following Resolution:

Resolved, That the bill be referred to a study committee proposed by House Joint Resolution No. 30.

On a *viva voce* vote the resolution was adopted.

Mr. Spaulding of Plainfield, for the Committee on Fish and Game to whom was referred House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age without payment of fee, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out the title and inserting in place thereof the following:

An Act relating to fish and game licenses for residents

over seventy years of age, stamps for licenses and accounting by agents.

Further amend the bill by inserting after section 1 the following new sections to read as follows:

2 *Stamps.* Amend RSA 214:8 by striking out said section and inserting in place thereof the following: 214:8 *Form.* The director shall prepare books containing consecutively numbered licenses in triplicate. Such license, when issued to the licensee, shall bear the date of issuance, and shall contain the name, age, color of hair and eyes, and residence of the licensee and such other information as may be requested by the director. Such licenses, to be valid, must have affixed thereto a fish stamp for fishing licenses, a game stamp for hunting licenses and a fish and game stamp for combination licenses. Such stamps shall be affixed to the back of the license and validated by the signature of the licensee over the face of the stamp in ink. In addition the license must be countersigned by the licensee on the face of the license in the space provided.

214:8-a *Exceptions.* Aged persons and residents over seventy years of age and non-resident hunters need not procure a stamp to make licenses valid.

3 *Fee.* Amend RSA 214:15 by striking out said section and inserting in place thereof the following: 214:15 *Agent's Accounting.* The agent shall collect from the licensee a fee of twenty-five cents for each license issued and shall account to the director for the full face value of the licenses. He shall on the first day of each month, pay to the director the full face value of all licenses sold and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director. The agent shall collect from the licensee one dollar for each fish or game stamp as outlined in RSA 214:8. Any monies so derived shall be paid to the director as outlined above.

Further amend said bill by striking out section 2 and inserting in place thereof the following:

4 *Takes Effect.* This act shall take effect January 1, 1960.

We, a minority of the Committee on Fish and Game, to whom was referred House Bill No. 486, An Act providing that

licenses to fish and hunt may be issued to residents over seventy years of age without payment of fee, having considered the same, reported the same and being unable to agree with the majority with the following resolution:

Resolved, That it is inexpedient to legislate.

ROXIE A. FORBES
SEELY W. PHILBRICK
JEREMIAH J. KEATING

The Chair ordered House Bill No. 486 laid on the table for printing of the majority amendment.

Mrs. Griffin of Auburn, for the Committee on Judiciary, to whom was referred Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the committee on investigation of gasoline and fuel oil prices, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

On motion of Mr. Marx of Langdon Senate Joint Resolution No. 7 was made a Special Order for 11:01 o'clock on Tuesday next.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 332, An Act relative to inspectors of election.

Strike out all after the enacting clause and insert in place thereof the following:

1 *Inspectors of Election.* Amend RSA 59:30 by striking out said section and inserting in place thereof the following: 59:30 *Appointment.* After holding a caucus as provided by RSA 56:87 each town and ward political committee of the two political parties which cast the largest number of votes for governor in the state at the last previous biennial election are authorized between October 1 and October 10 of each biennial election year to appoint as additional election officers to act with the clerk, moderator and selectmen at each

polling place, two inspectors of election. Provided that if the number of voters qualified to vote at a polling place shall exceed two thousand, said political committees may each appoint for such polling place one additional inspector for each fifteen hundred qualified voters, or fraction thereof in excess of two thousand. The chairman of said political committees shall, on or before October 12, notify said appointees and the town or ward clerk and city clerk concerned as to appointments made under the foregoing authority. Provided that if any such appointments are not made by said political committees and proper notification thereof given on or before October 12 in a particular town or ward, then the appointments shall be made by the selectmen of the town or ward concerned.

2 *Political Parties.* Amend RSA 59:31 by striking out said section and inserting in place thereof the following: 59:31 *Qualifications.* Such inspectors of election shall be qualified voters in the said polling place and shall be appointed from the designated registered voters of the two political parties, one-half of those appointed to be from each of the two political parties which cast the largest number of votes for governor in the state at the biennial election next preceding their appointment, provided there are sufficient number of such voters on the voting list who are willing and able to serve.

3 *Other Appointments.* Amend RSA 59:32 by striking out said section and inserting in place thereof the following: 59:32 *Appointment of Alternates.* In making appointments of inspectors of elections as provided by RSA 59:30, town and ward political committees, and town and ward selectmen may designate a numerical list of alternates to be called in numerical order to serve in case of any failure of the principal appointees to accept the appointments, or otherwise be unavailable.

4 *Justice.* Amend RSA 59:33 by striking out said section and inserting in place thereof the following: 59:33 *Appointment by Court.* In case any appointment shall not be made as herein provided or vacancies are not filled as herein-after provided then, on application of six qualified voters in the town or ward concerned, a justice of the municipal court shall make the appointments.

5 *Selectmen.* Amend RSA 59:35 *Vacancies.* In case of any vacancies, or the absence of any of these appointed

inspectors of election from any polling place, on any primary or election day, the selectmen of the town or ward concerned shall appoint some person qualified as aforesaid to fill said office, using the list of alternate appointees insofar as practicable.

6 *Duties.* Amend RSA 59:36 by striking out said section and inserting in place thereof the following: 59:36 *Duties.* Two of the inspectors, one from each of the two political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots therein and shall furnish them to the voters in the manner herein set forth. A duplicate checklist of the qualified voters shall be prepared for the use of the ballot clerks and all the provisions of law relative to the preparation, furnishing and preservation of checklists shall apply to such duplicate lists. The other inspectors shall be designated by the moderator to assist the illiterate and physically disabled in voting their ballots as provided in section 65, and shall be assigned such other duties in the polling place as the moderator may determine.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Mr. McMeekin of Haverhill reading of the Senate amendment was dispensed with.

Mr. McMeekin of Haverhill moved that the House non-concur in the amendment sent down by the Honorable Senate and that a committee of conference be appointed.

On a *viva voce* vote the motion was adopted and the Chair appointed Messrs. McMeekin of Haverhill, Eastman of Exeter and Grimes of Dover as conferees on the part of the House.

The Senate Message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters.

Introduction of a Senate Bill

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at

Great Bay and penalty for depositing refuse on public waters, was introduced, read a first and second time, and referred to the Committee on Fish and Game.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 364, An Act establishing the humane slaughter law.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *New Chapter.* Amend RSA by inserting after chapter 575 the following new chapter:

Chapter 575-A

Humane Slaughter Law

575-A:1 *Terms Defined.* As used in this chapter the following words and phrases shall be construed as follows:

I. The term "slaughterer" means any person, partnership, corporation or association regularly engaged in the slaughtering of livestock:

II. The term "livestock" means cattle, horses, swine, sheep, goats and other species of animals susceptible of use in the production of meat and meat products;

III. The term "humane method" means:

(a) any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow or shot of a mechanical instrument or by electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; and

(b) the method of slaughtering required by the ritual of the Jewish faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument, provided that the method used in bringing the animal into position for slaughter causes no injury or pain which can be avoided without interfering with the requirements of ritualistic slaughter or without imposing unreasonable economic hardship.

IV. The term "holding pens" means enclosures or yards where animals are held or handled before slaughtering.

575-A:2 *Prohibition.* On and after June 30, 1960, no slaughterer may slaughter livestock except by a humane method. No person may handle livestock in connection with slaughter, or drive or transport them to holding pens or to place of slaughter except with a minimum of excitement and discomfort. Holding pens and transportation vehicles must be free from hazards which could cause suffering or pain.

575-A:3 *Penalty.* Any slaughterer who by act or failure to act violates the provisions of this chapter shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

575-A:4 *Administration and Enforcement.* The commissioner of agriculture shall administer the provisions of this chapter, promulgate such rules and regulations as may be necessary to carry this chapter into effect, and approve all methods of slaughter used under the terms of this chapter. He may, by administrative order, allow any person a single temporary exemption from compliance with any provision of this chapter for such period of time as he shall determine reasonable, not to exceed one year. The commissioner of agriculture shall cause to be prosecuted any slaughterer who fails to comply with the provisions of this chapter. Any officer or agent of any incorporated society for the prevention or cruelty to animals, upon being designated, in writing, for that purpose by the sheriff of any county in this state, may, within such county, at any time inspect the premises and operations of any slaughterer and, if he deems it advisable, request an investigation and appropriate action by the commissioner of agriculture.

On motion of Mr. Claflin of Wolfeboro reading of the Senate amendment was dispensed with.

Mr. Claflin of Wolfeboro explained the amendment and moved that the house concur in the Senate amendment.

On a *viva voce* vote the motion was adopted.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 386, An Act relative to hospital licensing and hospital survey and construction.

Amend paragraph III of 151:7 as inserted by section 2 of the bill by striking out the word "and" in the second line and inserting in place thereof the word, or, so that said paragraph as amended shall read as follows:

III. Conduct or practices detrimental to the health or safety or well-being of patients, residents or employees of said facilities, provided that this provision shall not be construed to have any reference to healing practices authorized by law.

Amend said bill by inserting after section 3 the following new section:

4 *Decisions.* Amend RSA 151:15 by striking out said section and inserting in place thereof the following: 151:15 *Judicial Review.* Any applicant or licensee who is dissatisfied with the decision of the state department of health as a result of the hearing provided in section 8 may, within fifteen days after receiving notice of the decision, appeal to the superior court of the county in which the applicant or licensee is located for judicial review of the decision. Thereupon the department shall promptly certify and file in the court the transcript of the hearings on which the decision is based, together with a true copy of any rule or regulation of the department involved in the decision. Findings of fact by the department shall be conclusive unless substantially contrary to the weight of the evidence but upon good cause shown the court may remand the case to the department to take further evidence, and the department may thereupon make new or modified findings of fact which shall likewise be conclusive unless substantially contrary to the weight of the evidence. The court shall have power to affirm, modify or reverse the decision of the department and may pass upon the validity of any rule or regulation involved in the decision alleged to be arbitrary or unreasonable. Either the applicant or licensee or the department may appeal from the court's decision to the supreme court in the manner provided by the laws of the state. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved.

Further amend said bill by renumbering section 4 to read section 5.

On motion of Mr. Claflin of Wolfeboro, reading of the Senate amendment was dispensed with.

Mr. Claflin of Wolfeboro explained the amendment.

(discussion ensued)

On motion of Mr. Claflin of Wolfeboro the House concurred in the Senate amendment.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 199, An Act to establish time and one-half for overtime work performed by trade classifications employees in the department of public works and highways.

Amend the title of said bill by striking out the words "trade classifications" and inserting in place thereof the word, certain, so that said title as amended shall read as follows:

An Act to establish time and one-half for overtime work performed by certain employees in the department of public works and highways.

Amend the paragraph numbered 99-B:1 by striking out the same and inserting in place thereof the following:

99-B:1 *Declaration of Purpose.* It is hereby declared to be the purpose of this statute to grant to employees assigned to the various highway patrol crews in the department of public works and highways certain privileges similar to those accorded their fellow workers in private industry.

Further amend said bill by striking out the word "trade" in the title of the new chapter and by striking out in the paragraph numbered 99-B:3 the word "classifications employees" and inserting in place thereof the words, employees assigned to highway patrol crews.

On motion of Mr. McMeekin of Haverhill the House concurred in the amendment.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 308, An Act relating to school building aid for the school district of Mason.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

House Bill No. 402, An Act to create the town of Hampton Marsh Reclamation Authority.

Resolutions

Mr. Varrell of Laconia offered the following resolutions for the Laconia Delegation.

Whereas, Walter L. Harkins, son of Representative Walter A. Harkins of Laconia has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his bereavement, and be it further

Resolved, That the Clerk of the House transmit to Representative Harkins a copy of these Resolutions.

On a *viva voce* vote the resolutions were unanimously adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following bills and joint resolution were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment.

Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

House Bill No. 99, An Act relative to porcupines, was read a third time, passed, and sent to the Senate for concurrence.

House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord was read a third time.

The question now being, shall House Joint Resolution No. 10 pass.

Mrs. Davis of Concord requested a division vote on the question.

A division vote being taken and 233 members having voted in the affirmative and 28 members having voted in the negative, House Joint Resolution No. 10 was passed and sent to the Senate for concurrence.

On motion of Mrs. Phillips of Claremont the House adjourned at 3:46 o'clock.

THURSDAY, AUGUST 13, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Guest Chaplain, Reverend George W. Wickersham, from the Tamworth Associated Churches, Tamworth.

O God, the Creator of all that is, Who has given us this good land for our heritage, we yield Thee hearty thanks that upon us have been showered such extraordinary blessings, material and spiritual. Help us to show our gratitude not only with our lips but in our lives. Strengthen us to accept the responsibilities which these blessings convey, that this our heritage may be shared by our children and by our children's children.

We beseech Thee to guide and bless the Legislature of this State, that it may ordain for our governance only such things as shall please Thee. Grant to the Governor of this State and to all in authority therein, wherever they may be, wisdom and strength to know and to do Thy will, to the glory of Thy Name and to the welfare of Thy people.

All of this we ask in His Name who taught us to pray and to say, "Our Father, Who art in heaven, hallowed be Thy Name. Thy kingdom come, Thy will be done, on earth as it is

in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever and ever. Amen."

Pledge of Allegiance to the Flag

Mr. Nickerson of Tamworth led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced Fernando George from Panama City, Panama, who is a student at the University of Ottawa, Canada and received his Master's Degree in Education.

Attorney and Mrs. Harold Weintraub of New York City Housing Authority were guests of Mr. Green from Manchester.

Leaves of Absence

Mrs. Brungot of Berlin and Mrs. St. Pierre of Rochester were granted leave of absence for the day on account of important business.

Mr. Daneault of Hudson was granted leave of absence for the day on account of a death in the family.

Mr. Peever of Salem was granted a leave of absence on account of important business.

Introduction of Bills

The following House Bills were severally introduced, read a first and second time, and referred as follows:

By the Committee on Rules (Mrs. Davis of Woodstock and Mr. Bradley of Thornton) House Bill No. 512, An Act relative to a bridge in Woodstock. To the Committee on Public Works.

By the Committee on Rules (Mr. Gilman of Farmington) House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the State of New Hampshire. To the Committee on Appropriations.

By the Committee on Rules (Mr. Green of Manchester) House Bill No. 514, An Act relating to motor vehicle road toll. To the Committee on Ways and Means.

Mr. Rowell of Newport moved that printing of House Bill No. 513 be dispensed with.

The Clerk read the bill in full.

House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Whereas, the legislature has not yet adopted a budget for the coming biennium and

Whereas, action at this time is necessary to carry on the functions of the state government after August 31, 1959, and prior to the passage of said budget act, now therefore

Be it enacted by the Senate and House of Representatives in General Court convened:

1 *Appropriation.* There is hereby appropriated for the general expenses and encumbrances of the state government during the month of September 1959 the sum of fifteen million eight hundred thirty thousand dollars, or so much thereof as may be necessary, to be expended and encumbered in the manner hereinafter provided, that is to say five million dollars from general funds; one million two hundred thousand dollars from special funds; one hundred thirty thousand dollars from fish and game funds; and nine million five hundred thousand dollars from highway funds. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriations out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. The director of the division of accounts is authorized, as provided by RSA 8:13 to maintain a system of encumbrance accounting to control expenditures and commitments within the amounts appropriated in this section. Such expenditures and encumbrances shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

2 *Expenditure and Encumbrance of Funds.* The expenditure and encumbrance of funds provided by section 1 hereof shall be made at the rate and in the manner set forth in the proposed budget as submitted to the 1959 legislature by the governor, unless otherwise authorized by the governor with the advice and consent of the council.

3 *Provisions of Law.* The provisions of RSA 9 and the provisions of any other statute inconsistent with the provisions of sections 1 and 2 are hereby suspended to the extent of such inconsistencies during the time such sections are in effect.

4 *Additional Appropriations.* The provisions of sections 1, 2 and 3 shall apply to the departments of planning and development and forestry and recreation as well as to other departments. In addition to the appropriations provided in section 1 there are hereby appropriated the following sums for the month of September, 1959:

For New Hampshire port authority	\$1,000
For general expenses of the legislature	\$100,000
For planning and development for Montreal office	\$1,700
For milk control board	\$1,500

The governor with the advice and consent of the council is authorized to draw his warrants for the sums appropriated under this section, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated. The expenditures for such additional appropriations shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

5 *Temporary Personnel.* Notwithstanding chapter 238, Laws of 1957, provided funds are available, departments and institutions are authorized to employ temporary personnel until September 30, 1959.

6 *Governor's Legal Counsel.* There is hereby appropriated for the salary of the governor's legal counsel during the month of September 1959 the sum of eleven hundred dollars, or so much thereof as may be necessary; and the governor is authorized by and with the advice and consent of the council to draw his warrant for the sum necessary for said appropriation out of any money in the treasury not otherwise appropriated.

7 *Takes Effect.* This act shall take effect as of September 1, 1959 and shall continue in effect until October 1, 1959, unless the appropriation acts for the ensuing biennium are sooner enacted in which event the appropriations herein provided shall thereupon lapse.

Mr. Bradley of Thornton moved that printing of House Bill No. 512 be dispensed with.

The clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Miss Loizeaux of Plymouth, for the Committee on Appropriations to whom was referred House Bill No. 97, An Act relative to grants to regional development associations, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Pillsbury of Manchester moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Miss Loizeaux spoke against the motion.

Notice of Reconsideration

Mr. Bisbee of Derry served notice that today, or some subsequent day, he would ask the House to reconsider its vote whereby it voted House Bill No. 195, An Act relative to searches for lost persons and drowning victims by the fish and game department, inexpedient to legislate.

Mr. Branch of Goffstown served notice that on today, or some subsequent day, he would ask the House to reconsider House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood.

Mr. Clement of Rochester spoke against the motion.

Mr. Chandler of Bartlett spoke in favor of the motion.

Mr. Rowell of Newport spoke against the motion.

(discussion ensued)

Mr. Deans of Milford spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

Miss Loizeaux of Plymouth moved that House Bill No. 97 be indefinitely postponed.

Mr. Pillsbury of Manchester spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Rowell of Newport requested a division.

A division vote being taken and 149 members having voted in the affirmative and 156 members having voted in the negative, the motion to indefinitely postpone did not prevail.

Mr. Urie of New Hampton demanded the Yeas and Nays but subsequently withdrew his request.

The question now being on the motion to substitute.

On a *viva voce* vote the Chair was in doubt and requested a division vote.

A division vote being taken and 153 members having voted in the affirmative and 157 members having voted in the negative, the motion to substitute was lost.

The question now being on the resolution of the committee that House Bill No. 97 was inexpedient to legislate.

A division vote being taken and 160 members having voted in the affirmative and 170 members having voted in the negative, the resolution was not adopted.

Mr. Pillsbury of Manchester moved that House Bill No. 97 be recommitted to the committee on Appropriations.

On a *viva voce* vote the motion was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for the fish and game department, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 413, An Act providing for the acquisition of the so-called Island at Nubanusit Lake, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Edwards of Antrim moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mrs. Ainley of Manchester moved that House Bill No. 413 be indefinitely postponed and spoke in favor of the motion.

Mr. Rice of Peterborough spoke against the motion.

(discussion ensued)

Mr. King of Manchester spoke in favor of the motion.

Mr. Taft of Greenville spoke against the motion.

(discussion ensued)

Mr. McCullough of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Geisel of Manchester spoke against the motion.

The Chair declared a one hour recess.

After Recess

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Monahan of Hanover spoke against the motion.

(discussion ensued)

Messrs. Oliver of Walpole and Pickering of Hancock spoke against the motion.

Messrs. Spaulding of Plainfield and Lessels of Concord spoke in favor of the motion.

Mr. Dutton of Peterborough spoke against the motion.

Mr. Taft of Greenfield spoke a second time against the motion.

Mr. Pickett of Keene and Mrs. Lord of Gilford spoke in favor of the motion.

Mr. Haley of Keene moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to indefinitely postpone.

On a *viva voce* vote the motion was adopted.

Mr. Edwards requested a division vote.

A division vote being manifestly in the affirmative the motion to indefinitely postpone prevailed.

Mrs. St. Pierre of Rochester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 21, Joint Resolution relative to continuation of aerial geophysical survey of portions of the state, having considered the same, reported the same with the recommendation that the joint resolution be referred to the next session of the Legislature.

On a *viva voce* vote the resolution was adopted.

Mr. Dunnington of Dover, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 26, Joint Resolution providing an appropriation toward reconstruction of Fort at Number Four, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations, to whom was referred House Bill No. 339, An Act relative to the control of aquatic nuisances, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words and figures "June 30, 1959 and a like sum for the fiscal year ending June 30, 1960 are" in the twelfth and thirteenth lines and inserting in place thereof the words and figures, June 30, 1961 is, so that said section as amended shall read as follows:

1 *Water Pollution Commission.* The water pollution commission is hereby authorized and directed to study and investigate aquatic nuisances in the form of algae and similar plant life in the waters of the state, with the view to determining how the same may best be controlled; and within the limit of the appropriation herein made to abate such nuisances. The commission shall report its activities hereunder to the next session of the general court, which report shall include recommendations for legislation designed to eliminate or control such nuisances. The commission is authorized to accept and apply to the purposes hereof, in addition to said appropriation, gifts and grants from any person or association, public or private, made for the purposes of aiding such study and investigation. The sum of twelve thousand five hundred dollars for the fiscal year ending June 30, 1961 is hereby appropriated for the purposes of this chapter. The sums hereby appropriated shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amend section 2 of said bill by striking out the words and figures "as of July 1, 1959" and inserting in place thereof the words, upon its passage, so that said section as amended shall read as follows:

2 *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations, to whom was referred House Bill No. 201, An Act to allow the state to take advantage of federal benefits to education under the national defense education act of 1958, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Appropriations.* For the purpose of meeting the obligations of the state in providing funds for the state's share in the program for education aid under the provisions of RSA 186:11-a to 186:11-d as inserted by section 1 of this act there are hereby appropriated for the fiscal year ending June 30, 1960, the sum of thirty thousand eight hundred thirty-six dollars and seventy-six cents and for the fiscal year ending June 30, 1961 the sum of thirty-one thousand one hundred seventy-three dollars and seventy-eight cents. Said appropriation shall be a continuing appropriation and shall not lapse. The state board of education shall expend the funds appropriated by the state together with such sums as may be received from the federal government under provisions of the National Defense Education Act of 1958 and any amendments thereto. The state board of education shall allocate the funds appropriated by the state and received from the federal government among the several programs described in RSA 186:11-d in such manner as it shall determine and in accordance with all applicable federal legislation and regulations. The governor is authorized to draw his warrants for the sums appropriated by the state out of any money in the treasury not otherwise appropriated.

On motion of Mr. Clement of Rochester reading of the amendment was dispensed with.

Mr. Clement of Rochester explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section:

2 *Contracts.* Contracts for such printing and publications shall be done by printers and publishers within the state provided such printers and publishers bid at the same rate, or less, than those outside the state.

Further amend said bill by renumbering sections 2 and 3 to read 3 and 4.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Robinson of Concord, for the Committee on Public Works to whom was referred Senate Bill No. 160, An Act relative to reclassification of a road in the town of Rindge, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. McGrath of Pittsfield, for the Committee on Public Works to whom was referred Senate Bill No. 171, An Act relative to a bridge in Westmoreland, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Terry of Westmoreland moved to substitute the words "Ought to Pass" for the report of the committee "Inexpedient to Legislate" and explained the bill and subsequently withdrew his motion.

On a *viva voce* vote the resolution was adopted.

Mr. Kimball of Derry, for the Committee on Resources, Recreation and Development to whom was referred House Bill No. 222, An Act relative to the so-called timber tax, having

considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

2 *Requirements.* Amend RSA 79:10 (supp) as inserted by 1955, 287:1 by inserting after the word "filed" in the fifteenth line the words: Such certificate shall be posted by the owner in a conspicuous place within the area of the cutting, so that said section as amended shall read as follows: 79:10 *Notice of Cutting.* The state, a county, a municipality, public agency or any owner who intends to cut growing wood and timber shall file a notice of intent to cut, in duplicate, prior to such cutting with the state tax commission upon a form prescribed and provided by said commission, setting forth his name, residence, an estimate of the amount and species of wood to be cut, and such other information as may be required. He may at his option furnish the stumpage price paid. A supplemental notice of intent to cut, in duplicate, shall be filed on or before October first for all operations not completed or terminated and which will continue after September 30 in any year. A copy of each notice shall be forwarded by the tax commission to the proper assessing officials. The tax commission shall assign a number to each operation for which it receives a notice of intent to cut and shall notify the owner and the assessing officials thereof. It shall furnish without cost to the owner a certificate showing that the notice of intent to cut has been filed. Such certificate shall be posted by the owner in a conspicuous place within the area of the cutting. Failure to file a notice of intent to cut shall constitute a misdemeanor punishable by a fine not exceeding fifty dollars.

Further amend the bill by inserting after section 2 the following new section:

3 *Further Requirements.* Amend RSA 79:11 (supp) as inserted by 1955, 287:1 by striking out said section and inserting in place thereof the following: 79:11 *Report.* The state, a county, a municipality, public agency or any owner shall make under the penalties of perjury and file in duplicate a report of the wood or timber severed with the state tax commission on or before October 15 covering all wood or timber severed up to October first next preceding. If deemed necessary by the assessing officials a report shall be filed immediately upon the completion or termination of the cutting referred to

in the notice of intent to cut. Such reports shall be made on a form prescribed and provided by said commission which shall contain the name and residence of the person making the report, and volume of wood and timber cut by species or species groups and such other information as the tax commission may deem necessary to enable the assessing officials to locate, identify, verify and determine the full amount and true stumpage value of all wood and timber cut. A report of wood and timber severed covering operations still in progress through September 30 shall be filed not later than October 15 for all wood and timber cut up to October 1 next preceding. Upon receipt of a report of cut the tax commission shall forward a copy to the proper assessing officials, who shall assess a tax in accordance with the provisions of this chapter. Whoever shall fail to file a report of cut, as provided in this section shall be guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars.

Further amend the bill by renumbering section 3 to read section 4 and by inserting after section 4 the following new section:

5 *Suspension.* Such parts of section 4 of Chapter 75, Revised Statutes Annotated, as require the selectmen's invoice to show valuation of growing wood and timber separately from the land, and such parts of section 4 of Chapter 74, Revised Statutes Annotated, as require the owner in returning his inventory of property to list an estimate of the amount and kind of wood and timber owned by him are hereby suspended during the time Chapter 79 (supp) Revised Statutes Annotated, is in effect.

Further amend said bill by renumbering section 4 to read section 6.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Green of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 158, An Act relating to the installation of gas appliances, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to the installation of appliances.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 *Plumbers.* Amend RSA 330:9 by striking out the same and inserting in place thereof the following: 330:9 *Exceptions to Licensing Requirements.* The licensing provisions of this chapter shall not apply to employees of public water supply departments and companies and public sewerage departments, when working in the discharge of their duties under such departments, nor to vendors of new appliances at retail, or their employees, when engaged in connecting such appliances to an existing water supply system within a building.

Mr. Green of Manchester moved that Senate Bill No. 158 be made a Special Order of Business on Tuesday next at 11:02 o'clock.

On a *viva voce* vote the motion was adopted.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 169, An Act relative to filing fee and number of petitions necessary for primary nominations for county office, validity of primary petitions and change in closing hour for filing for primaries.

Amend the title to said bill by striking out the same and inserting in place thereof the following:

An Act relative to filing fee and number of petitions necessary for primary nominations for county office, validity of primary petitions and change in closing hour for filing for primaries.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Primary Elections, Declarations.* Amend RSA 56:14 by striking out the word "five" in the seventh line and insert-

ing in place thereof the word, twenty-five, so that said section as amended shall read as follows: 56:14 — *Fees for Filing*. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees: For governor and United States senator, one hundred dollars; for any state officer, other than governor, to be voted for throughout the state and for representatives in congress, fifty dollars; for councilor, twenty-five dollars; for state senator, ten dollars; for county officer, twenty-five dollars: for member of the house of representatives, two dollars; for supervisor of the checklist, moderator, ward clerk or selectman of a ward where such officers are elected at the biennial election, one dollar each. The fees paid to a town or city clerk shall be paid to the treasurer of the town or city.

2 *Primary Petitions*. Amend RSA 56:18 by striking out the word "twenty" in the fourth line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: 56:18 *Number of Petitions*. The number of primary petitions to be filed for each office shall be as follows: For governor and United States senator, two hundred; for representative in congress, one hundred; for councilor, fifty; for county officer, fifty; for state senator, fifteen; for member of the house of representatives and all town officers, five, except in towns where less than fifty voters are registered when one tenth of the number of registered voters shall be sufficient. For delegate to the state convention no primary petition or filing fee shall be required.

3 *Examination of Petitions*. Amend RSA 56:22 by striking out said section and inserting in place thereof the following: 56:22 *Authority of Officer*. The officer with whom primary petitions are filed shall immediately on their receipt examine same and ascertain whether they conform to the law. If he finds that the petitions do not conform he shall endorse thereon the reason why such petition cannot be accepted and shall immediately return the same to the candidate in whose behalf it was filed. He shall have authority to rule on the validity, authenticity and conformance with the law of each such petition and his decision in each case shall be final and conclusive except as hereinafter provided. The candidate concerned, or any opposing candidate for the same

office, may within five days after a decision on the validity, authenticity or conformance with the law of such petition has been made may appeal from such decision to the Ballot Law Commission. The Ballot Law Commission shall have final jurisdiction of such petitions and may overrule any decision made by the officers with whom the petitions are filed. Said commission may direct that the candidate's name be placed on the ballot or that the candidate's name be omitted from the ballot.

4 *Change in Closing Hour for Filing.* Amend RSA 56:23 by striking out said section and inserting in place thereof the following: 56:23 *Supplementary Petitions.* In case the officer with whom primary petitions are filed shall return the petitions to the candidate as provided in section 22 said candidate may file supplementary petitions but not later than forty-six days before the primary for those to be filed with the secretary of state, and for all others forty-nine days. The number of days herein given shall include Sundays and shall end on the day before the primary at twelve o'clock noon.

5 *Declaration of Candidacy.* Amend RSA 56:25 by striking out the words "six o'clock in the afternoon" and inserting in place thereof the words, twelve o'clock noon, so that said section as amended shall read as follows: 56:25 *Time for Filing Declarations of or Assents to Candidacy.* Declarations of and assents to candidacy and primary petitions to be filed with the secretary of state shall be filed not less than forty-six days before the date of the primary, and all others fifty days, except as provided in section 23 hereof. The number of days herein given shall include Sundays and shall end on the day before the primary at twelve o'clock noon.

6 *Takes Effect.* This act shall take effect as of January 1, 1960.

Mr. Crosby of Hillsborough moved that reading of the amendment be dispensed with and explained the amendment.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough moved that the House non-concur in the amendment sent down by the Senate.

Mr. Normandin of Laconia spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The Senate Message further announced that the Senate has passed a joint resolution with the following title, in the

passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the superior court.

Introduction of a Senate Joint Resolution

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the superior court, was introduced, read a first and second time, and referred to the Committee on Appropriations.

The Senate Message further announced that the Senate has voted to adopt the report offered by the Committee of Conference, to the following Joint Resolution:

House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the State.

Report of Committee of Conference

The Committee of Conference to whom was referred House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state, having considered the same, reported the same, with the following recommendation: That the House recede from its position of nonconcurrence in the adoption of the Senate amendment, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend the joint resolution by striking out in the first line the word "seven" and inserting in place thereof the word, nine; further amend by striking out the ninth, tenth, eleventh, twelfth and thirteenth lines and in the fourteenth line the words "a person associated with a credit union" and inserting in place thereof the following: The remaining seven members of said committee shall be: one member of the senate appointed by the president, one member of the house appointed by the speaker, and five members who shall be residents of the state and shall be appointed by the governor and council as follows: one shall be a person associated with a mutual or guaranty savings bank; one shall be a person associated with a trust company; one shall be a person associated with a co-operative bank; one shall be a person associated with a credit union, and one shall be a person associated with a loan com-

pany, so that the joint resolution as amended shall read as follows:

That there is hereby established a special committee consisting of nine members who are authorized and directed to study and review the banking laws of the state and to supervise the work necessary to revise, recodify and amend said banking laws and to arrange then in a systematic, annotated and condensed form, so far as they deem necessary, according to the general scheme and plan of the Revised Statutes Annotated. The bank commissioner and the attorney general shall be members ex officio of said committee provided that the attorney general may designate one of his assistants to act as such ex officio member in his place. The remaining seven members of said committee shall be: one member of the senate appointed by the president, one member of the house appointed by the speaker, and five members who shall be residents of the state and shall be appointed by the governor and council as follows: one shall be a person associated with a mutual or guaranty savings bank; one shall be a person associated with a trust company; one shall be a person associated with a cooperative bank; one shall be a person associated with a credit union; and one shall be a person associated with a loan company. The members of said committee shall serve without compensation but within the limits of the appropriation made hereafter shall be reimbursed for all reasonable expenses incurred in performing their official duties hereunder. The members of said committee shall have full authority to assign such portions of its work as it deems suitable to committees of persons not members of said committee who have had training and experience in the different types of banking and financial institutions which are subject to the supervision of the bank commissioner, provided however that all recommendations made by such non-members relative to revision of the banking statutes shall be carefully reviewed and approved by the committee before they are submitted to the legislature. Such non-members shall receive no compensation for their services but within the limits of the appropriation made hereafter shall be reimbursed for their reasonable traveling expenses. The special committee shall, on or before January 30, 1961, report its findings to the 1961 session of the general court and make specific recommendations relative to revision of the banking statutes. The sum of fifteen hundred dollars is hereby appro-

priated to be expended by said committee in carrying out the purposes hereof and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

PHILIP S. DUNLAP,
PAUL A. KARKAVELAS,
Conferees of the Senate.

C. H. DUTTON,
JOSEPH GEISEL,
LAWRENCE M. PICKETT,
Conferees of the House.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of amendments to the following entitled bills.

Senate Bill No. 20, An Act providing for the classification of certain waters of the Pemigewasset River watershed.

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 147, An Act relative to destruction of certain records in the department of public welfare.

House Bill No. 351, An Act entitled the uniform commercial code.

The Senate Message further announced that the Senate has voted to concur with the House of Representatives in its adoption of amendments to the following entitled bills:

Senate Bill No. 127, An Act relating to the educational expenses of minors.

Senate Bill No. 125, An Act relative to blind pedestrians crossing ways.

Messrs. Gallagher and Gamache of Nashua offered the following resolutions:

Whereas, we have learned with regret of the passing of Mrs. Regina Daneault of Laconia, and

Whereas, Mrs. Daneault is the wife of Representative Edward J. Daneault of Hudson, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby extend our heartfelt sympathy to our fellow Representative in his bereavement and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Daneault.

On a *viva voce* vote the resolutions were unanimously adopted.

Messrs. Gibson of Concord, Chase of Durham and Clement of Landaff offered the following resolutions:

Whereas, Dr. Lawrence W. Slanetz and his associates Dr. Fred E. Allen and Dr. Clara H. Bartley of the University of New Hampshire have recently received national recognition for the development of a vaccine to combat staphylococcal mastitis in dairy cattle, and

Whereas, the State of New Hampshire has received national recognition for this work, and

Whereas, the development of this vaccine is the culmination of five years of study and research, and

Whereas, the vaccine almost completely prevents the spread of infection in vaccinated cows and brings a marked reduction of the number of acute flareups in infected cows, and

Whereas, bovine mastitis ranks as the most costly infection of dairy cattle in many parts of the world and in the United States alone it is estimated that it causes an annual loss of \$250,000,000, and

Whereas, like the Salk vaccine which has almost completely eliminated poliomyelitis in humans the new Slanetz vaccine has proven that it can prevent the spread of bovine staphylococcal mastitis, now therefore be it

Resolved, by the House of Representatives, that we wish to commend Dr. Slanetz and his associates, Dr. Allen and Dr. Bartley for their significant contribution to the agricultural economy of the State, Nation and the World, and be it further

Resolved, that a copy of these resolutions be transmitted to Dr. Slanetz and his associates Dr. Allen and Dr. Bartley.

On a *viva voce* vote the resolutions were adopted.

The Chair announced that Mr. Normandin of Laconia was announcing the birth of a daughter yesterday.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and House Joint Resolutions by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following bills and house joint resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for the fish and game department.

House Joint Resolution No. 26, Joint Resolution providing an appropriation toward reconstruction of Fort at Number Four.

House Bill No. 339, An Act relative to the control of aquatic nuisances.

House Bill No. 201, An Act to allow the state to take advantage of federal benefits to education under the national defense education act of 1958.

House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated.

House Bill No. 222, An Act relative to the so-called timber tax.

Senate Bill No. 160, An Act relative to reclassification of a road in the town of Rindge, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Miss Bailey of Newport the House adjourned at 3:50 o'clock.

TUESDAY, AUGUST 18, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O God of wisdom and love, give us the spirit of confidence in the business of this General Court. May it be that within our minds there shall arise a new sense of conviction in the worth of the democratic process, and, within our hearts a new determination to evolve a yet stronger concern to serve those who have placed their trust in us. Let mutual dedication so overwhelm suspicions and unwarranted fears, that there may be in this legislative assembly of the State of New Hampshire a sense of fraternal comradeship in an enterprise of public service. Lead us into Thy stewardship, O Lord, here, today, in the spirit of those familiar words: — “. . . as you did it to one of the least of these My brethren, you did it to Me.” Amen.

Pledge of Allegiance to the Flag

Mr. McAllister of Barnstead led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

The Chair introduced as guest of the House today, Miss Shanthi Rangarao, an educator from India with degrees from London and Cambridge Universities, who is spending a month in New Hampshire with Miss Ellen Faulkner through the Experiment in International Living. This coming winter she will be speaking on topics connected with India and the East. Miss Rangarao founded the first woman's college in central India and was the first woman to receive a commission as Colonel in the Indian WACS.

Miss Rangarao addressed the House briefly.

Leaves of Absence

Mrs. Blanchette of Dover and Mr. Gay of Derry were granted indefinite leaves of absence on account of illness in the family.

Mr. Gordon of Sandown was granted an indefinite leave of absence on account of illness.

Mrs. Cary of Manchester and Messrs. Larty of Haverhill and Reid of Milton were granted leaves of absence for the week on account of important business.

Mrs. White of Portsmouth, Ward 5, was granted leave of absence for two weeks on account of important business.

Mr. McGee of Lincoln was granted leave of absence for the day on account of important business.

Mr. Guilbeault of Allentown was granted leave of absence for the day on account of illness.

Introduction of a Bill

The following House Bill was introduced, read a first and second time, and referred as follows:

By the Committee on Rules (Mr. Rowell of Newport) House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire. To the Committee on Appropriations.

Reports of Standing Committees

Mrs. Davis of Concord, for the Committee on Appropriations, to whom was referred Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the state, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations, to whom was referred House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Monahan of Hanover explained the bill.

Mr. Gilman of Farmington spoke in favor of the bill.

At the request of Mr. Gilman of Farmington, Mr. Clement of Rochester yielded to questions.

Mr. Monahan of Hanover spoke a second time in favor of the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Atwood of Sanbornton, for the Committee on Appropriations, to whom was referred House Bill No. 466, An Act providing for transportation aid to school districts, having considered the same, reported the same with the following Resolution:

Resolved, That House Bill No. 466 be referred to the next session of the Legislature.

Mr. Branch of Goffstown moved that the words "Ought to Pass" be substituted for the report of the committee that House Bill No. 466 be referred to the next session of the Legislature and spoke in favor of the motion.

Mr. Plumer of Bristol spoke against the motion.

(discussion ensued)

Mrs. Atwood of Sanbornton and Messrs. McMeekin of Haverhill and Clement of Rochester spoke against the motion.

Mr. Branch of Goffstown spoke a second time in favor of the motion.

On a *viva voce* vote the motion was not adopted.

Mr. Branch of Goffstown requested a division.

A division being had and 71 members having voted in the affirmative and 217 members having voted in the negative, the motion to substitute did not prevail.

The question now being on the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Miss Loizeaux of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 51. Joint Resolution to provide for an investigation and study of the laws relating to the taxation of personal property, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

The legislative council is hereby instructed to study, investigate and examine into the matter of the taxation of personal property, with particular reference to existing laws and possible changes that might be made thereto. Said legislative council shall have full power and authority to hold hearings and to require from the several boards, commissions

and departments of the state, and from the counties and municipalities of the state and their officers, such information and assistance as may reasonably be available for the purposes of the committee. Said council shall report its findings and prepare and submit appropriate proposed legislation embodying its recommendations to the next regular session of the general court.

Miss Loizeaux of Plymouth explained the amendment.

Mr. Chandler of Bartlett spoke against the amendment.

Mr. Geisel of Manchester spoke neither for nor against the amendment but explained certain portions of the bill.

Mrs. Brungot of Berlin spoke against the amendment.

Point of Personal Privilege

Mr. Plumer of Bristol rose on a point of personal privilege.

Mr. McMeekin of Haverhill moved that the words "Ought to Pass" be substituted for the words "Ought to Pass with amendment" and spoke in favor of the motion.

(discussion ensued)

Mr. Rowell of Newport spoke against the motion.

Mr. Chandler of Bartlett spoke in favor of the motion.

(discussion ensued)

Mr. Miskelly of Keene spoke in favor of the motion.

(discussion ensued)

Mr. Geisel of Manchester explained the bill further.

On a *viva voce* vote the motion was adopted and the bill was ordered to a third reading.

Mr. London of New London, for the Committee on Judiciary, to whom was referred House Bill No. 472, An Act increasing the age limit for issuance of motor vehicle licenses, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act providing for original motor vehicle licenses.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Motor Vehicle Operation.* Amend RSA 261 by inserting after section 11 the following new section: 261:11-a *Original Licenses.* The Commissioner, upon receiving proper application for an original operator's, commercial or motor-cycle license, may in his discretion issue a white license, designated thereon as Original, effective until the holder's second anniversary of the license holder's date of birth following the date of issuance to allow such applicant to gain proper driving habits, attitudes and experience. The commissioner, either prior to or after a hearing, may suspend or revoke any such Original license for good cause upon receipt of proper evidence or information of misconduct, misuse and abuse of such operating privileges. Any person whose license privilege has been revoked shall, when applying for restoration of such privilege, do so as an Original applicant, except that the commissioner, in his discretion, may waive any and all of the examination requirements.

2 *Takes Effect.* This act shall take effect upon its passage.

Mr. Ecker of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Newell of Concord, for the Committee on Public Works to whom was referred Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain public utilities, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. MacIsaac of Laconia, for the Special Committee consisting of the members from the city of Laconia to whom was referred House Bill No. 417, An Act to change the ward lines in the city of Laconia, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *City of Laconia.* The city of Laconia is hereby divided into six wards which shall be constituted as follows, viz:

Ward No. 1 shall contain all that territory in said city included within, and bounded by the following lines: Beginning at the westerly shore of the Winnepesaukee river easterly of and on an extension of the center line of Lyford street, thence extending westerly along said extension of the center line of Lyford street, to the center of Main street, thence extending northerly through the center of Main street to its junction with Pleasant street, north of Opeechee Park, so-called, thence in a straight line due west to Lake Winnisquam, thence northerly on said lake to the Meredith town line; bounded northerly by the Meredith town line from point of intersection on Lake Winnisquam to Lake Winnepesaukee; bounded easterly by the shore of Lake Winnepesaukee and the westerly boundary of ward 6 to a point of intersection with a straight line extended due east (90°) to the junction of the center line of Union Avenue and Messer streets, thence easterly through said line to the junction of Union Avenue and Messer streets, thence southerly through the center line of Messer street to the center line of Irving street, thence bounded easterly by the westerly boundary of ward 2 to a point opposite the center line of Lyford street extended easterly, thence westerly to the point begun at.

Ward No. 2 shall include all that part of said city contained within the territory described as follows: Commencing on the easterly shore of Round Bay or Lake Opeechee where the present boundary of ward 2 commences, thence extending easterly on a straight line through the center of Irving street to the westerly side of Cottonwood avenue, thence northerly along the westerly side of Cottonwood avenue to the end of said avenue, thence easterly to the Gilford town line, thence bounded easterly by the Gilford town line to a point opposite the extension of a straight line drawn through the southerly sideline of Locust street, thence westerly along said extended straight line to the center line of Union Avenue, thence northerly through the center line of Union Avenue to the center line of Jewett street, thence westerly through the center line of Jewett street to the easterly shore of the Winnepesaukee river, thence northerly by the easterly shore of the Winnepesaukee river and the easterly shore of Round Bay on Lake Opeechee, to the point begun at.

Ward No. 3 shall contain all that part of the city contained within the territory described as follows: Commencing at the

intersection of the center line of Pleasant street with the westerly side line of Main street, thence extending southerly through the center line of Pleasant street and through the center line of Main street to the southerly shore of the Winnepesaukee river at the bridge, thence extending northerly along the easterly shore of said river to the southeasterly corner of the Mill street bridge, so-called, thence extending southeasterly on a straight line to a point in the center line of Union Avenue opposite the southerly side line of Locust street, thence extending northerly through the center line of Union Avenue to a point opposite the center line of Jewett street to the easterly shore of the Winnepesaukee river, thence extending northerly by the easterly shore of said river to the southerly line of ward 1, thence westerly and northerly on line of ward 1 to the first mentioned bound.

Ward No. 4 shall include all that part of said city bounded easterly by the westerly side of ward No. 3, and by a line continuing from the southerly side line of ward No. 3 in the center of Main street on the southerly shore of the Winnepesaukee river southerly through the center of said Main street to a point in said street opposite the center of Bowman street; westerly by a line commencing at said last mentioned point and extending through the center of said Bowman street to the center of Academy street; southeasterly by a line commencing at said last mentioned point and extending southwesterly through the center of said Academy street and the "Mile Hill" road to the Belmont town line; westerly by said Belmont town line and the shore of Lake Winnisquam and northerly by that part of the southerly line of ward No. 1, extending from Lake Winnisquam to a point on the westerly side line of Main Street at its junction with the center line of Pleasant street.

Ward No. 5 shall include all that part of said city lying southerly, westerly and easterly of wards No. 2, 3, and 4, not embraced in said wards, the territory of said ward being the same as that formerly included in Ward No. 5 under the original charter of said city.

Ward No. 6 shall include all that part of said city included in the territory northerly and easterly of wards 2 and 1 not embraced in said wards.

At the request of Mr. McMeekin of Haverhill, Mr. Harkins of Laconia explained the amendment.

Mr. MacIsaac of Laconia spoke in favor of the amendment.

(discussion ensued)

Mr. McMeekin of Haverhill moved that further consideration of House Bill No. 417 be indefinitely postponed and subsequently withdrew his motion.

Mr. Normandin of Laconia spoke against the bill.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Carlin of Portsmouth, for the Special Committee consisting of the members from the city of Portsmouth to whom was referred Senate Bill No. 166, An Act relative to the charter of the city of Portsmouth, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mr. Green of Manchester, Mr. Wardwell of Portsmouth explained the bill.

(discussion ensued)

Mrs. White of Portsmouth spoke in favor of the bill.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke against the bill.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the bill.

(discussion ensued)

Messrs. Foote and Blaisdell of Portsmouth spoke in favor of the bill.

(discussion ensued)

Mr. Deans of Milford moved that Senate Bill No. 166 be referred to the Committee on Judiciary.

Mr. Foote of Portsmouth spoke against the motion.

Mr. Crosby of Hillsborough spoke in favor of the motion.

On motion of Mr. Vachon of Manchester the previous question was put.

The question now being, shall Senate Bill No. 166 be referred to the Committee on Judiciary?

On a *viva voce* vote the motion was adopted.

Point of Personal Privilege

Mr. Deans of Milford rose on a point of personal privilege.

(discussion ensued)

The Chair called for the report on House Bill No. 486 to be taken from the table.

The question being on the amendment as proposed by the majority of the committee.

Speaker's Ruling

At the request of Mr. Plumer of Bristol the Chair made the following ruling:

"The Chair rules on the parliamentary inquiry made by the member from Bristol, Mr. Plumer, that the amendment offered by the Committee is germane. The right of a committee to amend a bill is very broad and must necessarily be so. In addition, the original bill's subject matter deals directly with hunting and fishing licenses and the use, thereof."

The Chair declared a one hour recess.

After Recess

The question before the House is on the amendment as offered by the committee.

Mr. Bisbee of Derry spoke in favor of the amendment.

(discussion ensued)

Mr. Watson of Belmont moved that House Bill No. 486 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Rollins of Alton spoke against the motion.

Mr. Plumer of Bristol spoke in favor of the motion.

Mr. Monahan of Hanover spoke against the motion.

(discussion ensued)

Mrs. Forbes of Marlow spoke in favor of the motion.

Messrs. Converse of Pittsburg, Philbrick of Springfield, Spalding of Plainfield and Urie of New Hampton spoke against the motion.

(discussion ensued)

Mr. Keating of Keene spoke in favor of the motion.

Messrs. Fortier of Berlin, Clement of Manchester and Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

Mr. Chandler of Bartlett spoke in favor of the motion.

(discussion ensued)

Messrs. Willey of Campton, Crosby of Hillsborough and Plourde of Pembroke spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. LaFond of Manchester spoke against the motion.

Mr. Hambleton of Goffstown moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now is on the motion to indefinitely postpone.

Mr. Keating of Keene demanded the Yeas and Nays.

The roll having been called as follows:

Yeas, 133

CHESHIRE COUNTY: Turner, Gordon of Jaffrey, Keating, Terrill, McCullough, Bennett, Brown of Keene, Faulkner, Miskelly, Kretowicz, Pickett, Forbes, Bouvier, Hackler, Congdon, Ballam.

SULLIVAN COUNTY: Gaffney, Russell, Nahil, D'Amante, Desnoyer, Davis of Cornish, Bailey, Downing, Philbrick of Springfield.

GRAFTON COUNTY: Gilbert, Plumer, Cushman, Kinghorn.

COOS COUNTY: Sheridan, Oakes, Graham of Gorham, Baker, Stinson.

ROCKINGHAM COUNTY: Persson, Batchelder, Spollett of Hampstead, Junkins, Sanborn of Hampton Falls, Palmer of

Kensington, Long, Sheehy, Labranche, Twardus, Carter, White of Portsmouth, Ward 4, Ingraham, Cross, Peever, Waterhouse.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Calcutt, Randall, Watson of Rochester, Lacasse of Rochester.

BELKNAP COUNTY: McAllister, Watson of Belmont, Howe.

CARROLL COUNTY: Chandler, Downs, Hill, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth.

MERRIMACK COUNTY: Phelps, Moore, Laflamme, Dowd, Henry, Woodman, Mannion, O'Neil of Concord, Saltmarsh, Rufo, Burleigh, Thibeault of Pembroke, McGrath, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Aucella, Farwell, Herrick, Vadney, Hambleton, Poor, Taft, Pickering of Hancock, Goodwin, Gallagher, Gamache, Legallee, Ainley, Lang, Pettigrew, Geisel, Hart of Manchester, Martel of Manchester, Ward 3, Cullity, Burke, Healy of Manchester, Ward 5, Manning, LeClerc, Tessier, Compagna, Delisle, Bergeron, Kearns, King, Noel, Maston, DeGrace, Dion of Manchester, Rousseau, Vachon, Peaslee of Merrimack, Falconer, Cooper, Saunders, Underhill, Thibault of Nashua, Trombly, Brosnahan, Griffin of Nashua, Marcoux, Ryan, Bouley, Grandmaison, Latour, Sablusk, Rice, Eastman of Weare.

Nays, 207

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Gowing, Pike, Stearns, Spofford, Oliver, Allen, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Frizzell, Bradbury, Angus, Phillips, Marx, Wirkkala, Brown of Newport, Rowell, Spalding, Merrifield, DeLude.

GRAFTON COUNTY: Bucklin, Willey, Sanborn of Enfield, Hayward of Hanover, Monahan, Neale, McMeekin, Chamberlain of Holderness, Beard, Coutermarsh, Guay of Lebanon, Porter, Whipple, Kelley, Birch, Haskins, Johnson of Monroe, Bell, Loizeaux, Barney, Bradley of Thornton, Breck.

COOS COUNTY: Fortier, Perrault, Desilets, Brungot, Christiansen, Gagnon, Lacasse of Berlin, Marsh, Emerson.

Crockett, Bragg, Swett, Potter, Bushey, Styles, Converse, Emery, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Prescott of Brentwood, Spollett of Chester, Bisbee, Clark, Kimball of Derry, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Hunter, Shepard, Cheney, Pinkham, Palmer of Plaistow, Dondero, Keefe, Murch, Wood, Dame, Wardwell, Blaisdell, Carkin, Langford, Philbrick of Rye, Roulston, Felch, Robinson of South Hampton, Barker.

STRAFFORD COUNTY: Berry, Desjardins, Grimes, Dunnington, Stonemetz, Colbath, Richardson, Flanagan, Bevan, Chase of Durham, Littlehale, Drew, Gilman of Farmington, Moulton, Hartigan, Maxfield, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, Lord, Snow, Lacaille, Harkins, Normandin, Ayre of Laconia, Karagianis, Prescott of Laconia, MacIsaac, Varrell, Pickering of Meredith, Smith of Meredith, Urie, Atwood.

CARROLL COUNTY: Stokes, Hodgdon, Chamberlain of Wolfeboro, Claflin.

MERRIMACK COUNTY: Bates, Davis of Concord, Hancock, Gibson, Lessels, Robinson of Concord, Gove, Newell, Chase of Concord, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Carpenter, Lafond of Hooksett, Mulaire, Montgomery, London, Plourde, Ayer of Pittsfield, Hunt.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Nickerson of Goffstown, Crosby, Green, Danforth, Pillsbury, Sullivan, Tobin, Nolan, Betley, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Lafrance, Champagne, Morris, Belanger, Hurley, Lafond of Manchester, Levasseur, Martel of Manchester, Ward 12, Nalette, Daniel, Gauthier, Crowley, Deans, Hayward of Milford, Cole, Maynard, Pappagianis, Boisvert of Nashua, Chartrain, Bissonette, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Draper.

The motion to indefinitely postpone did not prevail.

The question now being on the amendment as offered by the committee.

A division vote being had and 187 members having voted in the affirmative, and 124 members having voted in the negative the amendment was adopted.

On a *viva voce* vote the bill was ordered to a third reading.

A division vote was called for on whether House Bill No. 486 should be read a third time.

A division vote being had and 208 members having voted in the affirmative, and 74 members having voted in the negative the bill was ordered to a third reading.

Mr. Bisbee of Derry moved that the rules of the House be so far suspended as to permit third reading of House Bill No. 486 at the present time by title only, and subsequently withdrew his motion.

Mr. Marx of Langdon called for the Special Order on Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the committee on investigation of gasoline and fuel oil prices.

The question is on the report of the committee that Senate Joint Resolution No. 7 is inexpedient to legislate.

Mr. Crosby of Hillsborough moved that Senate Joint Resolution No. 7 be recommitted to the Committee on Judiciary and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester called for the Special Order on Senate Bill No. 158, An Act relating to the installation of gas appliances.

The question is on the amendment as offered by the committee.

Mr. King of Manchester moved that Senate Bill No. 158 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. Green of Manchester spoke against the motion.

(Mr. McMeekin of Haverhill in the Chair)

(discussion ensued)

Mr. Pickett of Keene spoke against the motion.

(Speaker in the Chair)

Mr. Crosby of Hillsborough explained the bill.

Mr. Martel of Manchester, Ward 3, spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion to indefinitely postpone was lost.

A division vote was called for and 102 members having voted in the affirmative and 202 in the negative the motion to indefinitely postpone was lost.

The question now being on the amendment as offered by the committee.

On a *viva voce* vote the amendment was adopted.

Mr. Healey of Manchester offered the following amendment:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 *Plumbers*. Amend RSA 330:9 by striking out the same and inserting in place thereof the following: 330:9 *Exceptions to Licensing Requirements*. I. The licensing provisions of this chapter shall not apply to employees of public water supply departments and companies and public sewerage departments, when working in the discharge of their duties.

II. Any city or town may grant by ordinance any further lawful exceptions to the provisions of this chapter that they deem to be in the public interest.

The Clerk read the amendment in full.

Mr. Healey of Manchester spoke in favor of the amendment.

Mrs. Brungot of Berlin spoke in favor of the amendment.

Mr. Green of Manchester spoke against the amendment.

(discussion ensued)

Mr. MacIsaac of Laconia moved that the bill be recommended to the Committee on Judiciary but subsequently withdrew his motion.

Mr. Healy of Manchester spoke a second time in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate message announced that the Senate has voted to accede to the request of the House of Representatives for a Committee of Conference on the following bill:

House Bill No. 332, An Act relative to inspectors of elections.

And the President appointed as members of such committee on the part of the Senate, Senator Humphreys and Bergeron.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 147, An Act relative to destruction of certain records in the department of public welfare.

House Bill No. 199, An Act to establish time and one-half for overtime work performed by certain employees in the department of public works and highways.

House Bill No. 308, An Act relating to school building aid for the school district of Mason.

House Bill No. 364, An Act establishing the humane slaughter law.

House Bill No. 386, An Act relative to hospital licensing and hospital survey and constructions.

House Bill No. 468, An Act authorizing the selectmen to lay out a limited access highway at Hampton Beach and relative to highways in the town of Kingston.

Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River Watershed.

Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment.

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lakes.

Senate Bill No. 125, An Act relative to blind pedestrians crossing ways.

Senate Bill No. 127, An Act relating to the educational expenses of minors.

Senate Bill No. 160, An Act relative to reclassification of a road in the town of Rindge.

Resolutions

Mr. Green of Manchester offered the following resolutions :

Whereas, August 27, 1959 will mark the One Hundredth Anniversary of the completion of the first successfully drilled oil well in the United States; and

Whereas, this historic event ushered in a new era of progress for America by supplying its people with an abundant and inexpensive source of energy; and

Whereas, this centennial year exemplifies the petroleum industry's steadfast adherence to the basic principle of our democracy, liberty of the individual, equality of opportunity and freedom of competitive enterprise; and

Whereas, the million and three-quarter men and women who represent the oil industry throughout the United States are daily engaged in still further advancing the economic and social well-being of this free nation in order to guarantee an even better century ahead; and

Whereas, our state's dependence on the petroleum industry is exemplified by the 2,600 New Hampshire citizens engaged in petroleum marketing with an annual payroll of over \$7,500,000, motor fuel tax collections providing our state with over 30% of its total tax revenues and retail petroleum sales comprising almost 10% of total retail sales in the state; and

Whereas, it is fitting and proper that New Hampshire set aside a certain period in which to review the progress made by the oil industry and its hopes for the future; now, therefore, be it

Resolved by the Senate and the House of the State of New Hampshire:

1. The year 1959 shall be known as "Oil Centennial Year" and the week of August 24-31, 1959, as "Oil Centennial Week" in the State of New Hampshire and the Governor by appropriate proclamation shall so proclaim.

On a *viva voce* vote the resolutions were adopted.

Mr. Pickett of Keene offered the following resolutions:

Resolved, That the Speaker of the House name a committee of seven to draw up suitable resolutions memorializing and recognizing the long-time service to the Legislature and the State of New Hampshire of Marion Alexander, and that in conclusion the resolution offer the opportunity to Miss Alexander of addressing the Joint Convention.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, and House Joint Resolutions by caption only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

The following House bills and House joint resolution were severally read a third time, passed and sent to the Senate for concurrence:

House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

House Joint Resolution No. 51, Joint Resolution to provide for an investigation and study of the laws relating to the taxation of personal property.

House Bill No. 472, An Act providing for original motor vehicle licenses.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 472, and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age, stamps for licenses and accounting by agents.

Reconsideration

Mr. Bisbee of Derry, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 486, and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

House Bill No. 417, An Act to change the ward lines in the city of Laconia.

The following Senate Bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the state.

Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain public utilities.

Senate Bill No. 158, An Act relating to the installation of gas appliances, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Reconsideration

Mr. Green of Manchester, having voted with the majority, moved that the House reconsider its vote whereby it passed Senate Bill No. 158 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. DeLude of Unity the House adjourned at 5:58 o'clock.

WEDNESDAY, AUGUST 19, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O God, Whose voice is heard by listening hearts in the quiet hush of the dawn, and, again in the star-filled silence of the night, speak to us now as we join our burdens in the labor of the noonday.

Again and again, let the cry for freedom, independence and self-government be reflected in the words and deeds within this granite hall. Turn us with courage toward the honest facing of our tasks, and raise each legislator and executive above the level of self-concern until with clean motives and dedicated labors we find ourselves united in the cause of good government.

Speak to us, guide our thoughts, strengthen our hands, O Lord, in our noonday labors. Amen.

Pledge of Allegiance to the Flag

Mr. Wood of Portsmouth led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Messrs. Normandin of Laconia, Hackler of Swanzey, and Mrs. Atwood of Sanbornton were granted leave of absence for the day on account of important business.

Mr. Clark of Derry was granted leave of absence for the day on account of illness.

Mr. Johnson of Monroe was granted leave of absence for today and Thursday on account of important business.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the resolution was adopted.

Committee Reports

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Whereas, the legislature has not yet adopted a budget for the coming biennium and,

Whereas, action at this time is necessary to carry on the functions of the state government after August 31, 1959, and prior to the passage of said budget act, now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 *Appropriation.* There is hereby appropriated for the general expenses and encumbrances of the state government during the month of September, 1959 the sum of fifteen million eight hundred thirty thousand dollars, or so much thereof as may be necessary, to be expended and encumbered in the manner hereinafter provided, that is to say five million dollars from general funds; one million two hundred thousand dollars from special funds; one hundred thirty thousand dollars from fish and game funds; and nine million five hundred thousand dollars from highway funds. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriations out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. The director of the division of accounts is authorized, as provided by RSA 8:13 to maintain a system of encumbrance accounting to control expenditures and commitments within the amounts appropriated in this section. Such expenditures and encumbrances shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

2 *Expenditure and Encumbrance of Funds:* The expenditure and encumbrance of funds provided by section 1 hereof shall be made at the rate and in the manner set forth in the proposed budget as submitted to the 1959 legislature by the governor, unless otherwise authorized by the governor with the advice and consent of the council.

3 *Provisions of Law.* The provisions of RSA 9 and the provisions of any other statute inconsistent with the provisions of section 1 and 2 are hereby suspended to the extent of such inconsistencies during the time such sections are in effect.

4 *Additional Appropriations.* The provisions of sections 1, 2 and 3 shall apply to the departments of planning and development and forestry and recreation as well as to other departments. In addition to the appropriations provided in

section 1 there are hereby appropriated the following sums for the month of September, 1959:

For New Hampshire port authority	\$1,000
For general expenses of the legislature	\$100,000
For planning and development for Montreal office	\$1,700
For milk control board	\$1,500

The governor with the advice and consent of the council is authorized to draw his warrants for the sums appropriated under this section, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated. The expenditures for such additional appropriations shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1960.

5 *Temporary Personnel.* Notwithstanding chapter 238, Laws of 1957, provided funds are available, departments and institutions are authorized to employ temporary personnel until September 30, 1959.

6 *Governor's Legal Counsel.* There is hereby appropriated for the salary of the governor's legal counsel during the month of September 1959 the sum of eleven hundred dollars, or so much thereof as may be necessary; and the governor is authorized by and with the advice and consent of the council to draw his warrant for the sum necessary for said appropriation out of any money in the treasury not otherwise appropriated.

7 *Takes Effect.* This act shall take effect as of September 1, 1959 and shall continue in effect until October 1, 1959, unless the appropriation acts for the ensuing biennium are sooner enacted in which event the appropriations herein provided shall thereupon lapse.

On motion of Mr. Rowell of Newport reading of the bill was dispensed with.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Belcourt of Nashua, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the superior court, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

The Clerk read the bill in full.

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the superior court.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of thirty-five hundred dollars is hereby appropriated for the purchase of typewriters for the use of the court stenographers of the superior court. Such typewriters shall be purchased by the director of purchase and property upon the requisition of the chief justice of the superior court; and the typewriters shall be assigned for use in the several courthouses as directed by the chief justice. The appropriation hereunder shall be a charge upon the general funds provided that the state shall be reimbursed by the several counties for the total amount expended for the purchase of typewriters hereunder. The apportionment of the reimbursement between the counties shall be made by the superior court on the basis of the use of said typewriters in each county. Moneys received from the counties as such reimbursement shall be credited to the general funds of the state.

Mr. Green of Manchester explained the bill and spoke in favor of it.

On a *viva voce* vote Senate Joint Resolution No. 8 was ordered to a third reading.

Mr. Snow of Gilmanton, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 444 (In New Draft), An Act creating a division of boards and commissions under the department of administration and control, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the paragraph numbered 8:58 as inserted by section 2 of said bill and inserting in place thereof the following:

8:58 *Secretary or Clerk.* Notwithstanding any other provision of law each board and commission shall have power and authority to appoint a secretary or clerk to keep a record of its official acts and conduct its correspondence.

Amend the paragraph numbered 8:60 as inserted by section 2 of said bill by striking out the same and inserting in place thereof the following:

8:60 *Disposition of Funds.* Notwithstanding any other provisions of law all moneys received by the division of boards and commissions shall be paid to the state treasurer who shall keep the same in a special fund to be used (1) to defray the costs of administration of the division, (2) to defray the expenses of the several boards and commissions, and (3) to defray the cost of any educational projects determined by said boards or commissions with the consent of the executive secretary and the advisory board, sitting as a single body. Any unexpended balance of said special fund remaining at the end of a fiscal year shall not lapse but shall be reserved for future use of the division as may be determined by the general court. The expense incurred by any board or commission under the provisions of this chapter or any other statute, including educational projects, shall not exceed the fees received from the licenses and registrations authorized by such board or commission.

Amend the paragraph numbered 8:56 as inserted by section 2 of said bill by striking out said paragraph and inserting in place thereof the following:

8:56 *Inspector of Services; Inspections.* There shall be within said division an officer to be known as inspector of services. Said inspector shall have all the powers and duties of the boards and commissions relative to routine inspections. The inspector shall be a classified state employee and receive such salary as may be determined by personnel rules and regulations. Said inspector shall be a registered pharmacist. In addition to said inspector of services there shall be employed by the division such assistant inspectors as may be necessary to properly perform the duties of routine inspections. Said assistants shall have any required qualifications, shall be under the direction of the inspector of services and their salaries shall be a charge against funds provided for the

division of boards and commissions. The boards and commissions shall have the duty and power to make any other inspections in their opinion required.

Mr. Snow of Gilmanton explained the amendment and spoke in favor of the bill.

(discussion ensued)

Mr. Newell of Concord moved that House Bill No. 444 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Mr. McMeekin of Haverhill explained the bill and spoke in favor of the motion.

(discussion ensued)

Mr. Maxham of Concord spoke in favor of the motion.

Mrs. Roulston of Salem spoke against the motion.

Mr. Marx of Langdon spoke against the motion.

(discussion ensued)

Mr. Kearns of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Taft of Greenville spoke against the motion.

(discussion ensued)

The Chair declared a one-hour recess.

After Recess

The question is on the motion by Mr. Newell of Concord that House Bill No. 444 be indefinitely postponed.

Mrs. DeLude of Unity spoke in favor of the motion.

(discussion ensued)

Mr. Burrill of Littleton spoke against the motion.

Mrs. Goodwin of Hollis spoke in favor of the motion.

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

Messrs. Pickett of Keene and King of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Snow of Gilmanton spoke a second time against the motion.

Mr. Miskelly of Keene demanded the Yeas and Nays.

The roll was called as follows:

Yeas, 181

CHESHIRE COUNTY: Gordon of Jaffrey, Spofford, Keating, Terrill, McCullough, Bennett, Brown of Keene, Faulkner, Kretowicz, Pickett, Bouvier, Congdon, Ballam, Terry.

SULLIVAN COUNTY: Frizzell, Bradbury, Gaffney, Nahil, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Delude.

GRAFTON COUNTY: Willey, Sanborn of Enfield, Hayward of Hanover, Monahan, Neale, McMeekin, Coutermarsh, Porter, Whipple, Birch, Haskins, Kinghorn, Bell, Loizeaux, Barney, Breck, Davis of Woodstock.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Christiansen, Lacasse of Berlin, Graham of Gorham, Potter, Bushey, Stimson, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Blair, Merrill, Spollett of Hampstead, Shepard, Carter, Pinkham, Palmer of Plaistow, Philbrick of Rye, Barker, Waterhouse.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Grimes, Colbath, Bevan, Chase of Durham, Littlehale, Randall, Moulton, Maxfield, Johnson of Rochester, Cormier, Vincent, Malley, Brown of Strafford.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Harkins, Karagianis, Varrell.

CARROLL COUNTY: Chandler, Downs, Roberts, Nickerson of Madison, Nickerson of Tamworth, Clafin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Bates, Davis of Concord, Henry, Hancock, Gibson, Robinson of Concord, Mannion, O'Neil of Concord, Saltmarsh, Gove, Maxham, Newell, Carr, Boomhower, Leonard, Carpenter, Lafond of Hooksett, Montgomery, Thibeault of Pembroke, Ayer of Pittsfield, McGrath, Stone.

HILLSBOROUGH COUNTY: Bragdon, Farwell, Herrick, Branch, Poor, Pickering of Hancock, Crosby, Goodwin, Gal-

lagher, Gamache, Green, Lang, Pettigrew, Pillsbury, Sullivan, Tobin, Cullity, Burke, Betley, Manning, Walsh, Clancy, Ecker, Healy of Manchester, Ward 6, Champagne, Delisle, Morris, Kearns, King, Hurley, Lafond of Manchester, Noel, Levasseur, Maston, Nalette, Dion of Manchester, Gauthier, Rousseau, Crowley, Vachon, Peaslee of Merrimack, Falconer, Saunders, Belcourt, Trombly, Brosnahan, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Ryan, Bissonnette, Bouley, Grandmaison, Latour, Bouthillier, Locke, Thompson of New Ipswich, Hodgman, Rice, Draper.

Nays, 149

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Gowing, Pike, Turner, Miskelly, Forbes, Allen, Galloway, Frost, Sawyer.

SULLIVAN COUNTY: Angus, Phillips, Marx, Rowell, Spalding, Philbrick of Springfield.

GRAFTON COUNTY: Gilbert, Plumer, Graham of Canaan, Bradley of Hanover, Chamberlin of Holderness, Beard, Guay of Lebanon, McGee, Armstrong of Littleton, Burrill, Kelley, Cushman, Bradley of Thornton.

COOS COUNTY: Brungot, Gagnon, Marsh, Oakes, Emerson, Crockett, Bragg, Swett, Converse, Emery, Baker.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Spollett of Chester, Batchelder, Kimball of Derry, Collishaw, Eastman of Exeter, Smith of Exeter, Weeks, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Jenkins, Labranche, Twardus, Cheney, Dondero, Keefe, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, Ingraham, Carkin, Cross, Langford, Roulston, Felch, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Desjardins, Dunnington, Stonemetz, Richardson, Flanagan, Drew, Gilman of Farmington, Rolfe, Watson of Rochester, Lacasse of Rochester, St. Pierre, Clement of Rochester, Varney, Boisvert of Rollinsford, Maloomian, Habel.

BELKNAP COUNTY: Lord, Snow, Lacaille, Ayre of Laconia, Prescott of Laconia, MacIsaac, Pickering of Meredith, Smith of Meredith, Howe.

CARROLL COUNTY: Hill, Brown of Sandwich, Hodgdon, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Laflamme, Dowd, Woodman, Lessels, Chase of Concord, Gilman of Franklin, Thompson of Franklin, Charland, Mulaire, London, Burleigh, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Wiggin of Bedford, Aucella, Vadney, Hambleton, Nickerson of Goffstown, Taft, Legallee, Ainley, Danforth, Geisel, Goode, Nolan, Healy of Manchester, Ward 5, Armstrong of Manchester, O'Connor, Lafrance, Leclerc, Tessier, Compagna, Belanger, Martel of Manchester, Ward 12, Daniel, DeGrace. Deans, Cole, Cooper, Underhill, Thibault of Nashua, Griffin of Nashua, Sabluski, Dutton, Eastman of Weare.

Mr. Plourde of Pembroke voting Yes, paired with Mr. Merrifield of Sunapee voting No.

Mr. Peever of Salem voting Yes, paired with Mr. Urie of New Hampton voting No.

And the motion to indefinitely postpone prevailed.

Reconsideration

Mr. Gilman of Farmington moved that the rules of the House be so far suspended as to permit reconsideration of House Bill No. 444 and spoke in favor of the motion. Mr. Gilman subsequently withdrew his motion.

Mrs. Gordon of Jaffrey, for the Committee on Ways and Means, to whom was referred House Bill No. 506, An Act relative to the taxation of railroads, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 506, An Act relative to the taxation of railroads, having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

ALBERT N. DION

ALFRED LARTY

Mr. Coutermarsh of Lebanon moved that the report of the minority "Ought to Pass" be substituted for the report of

the majority "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Chandler of Bartlett spoke against the motion.

Mr. Bradley of Hanover spoke in favor of the motion.

(discussion ensued)

Mr. McMeekin of Haverhill spoke in favor of the motion.

Mr. Bevan of Durham spoke against the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion.

(Mr. Marx of Langdon in the Chair)

(discussion ensued)

Mr. Burrill of Littleton spoke against the motion.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

Messrs. Hancock of Concord, Malley of Somersworth, and Lacasse of Berlin spoke in favor of the motion.

Mr. Maloomian of Somersworth spoke against the motion.

Mr. Coutermarsh of Lebanon requested a division.

A division being had and 213 members having voted in the affirmative, and 61 members having voted in the negative, the motion to substitute prevailed.

On a *viva voce* vote House Bill No. 506 was ordered to a third reading.

On motion of Mr. Coutermarsh of Lebanon the rules of the House were so far suspended as to permit third reading and final passage of House Bill No. 506 by title only at the present time.

Third Reading

House Bill No. 506, An Act relative to the taxation of railroads, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Coutermarsh of Lebanon, (having voted with the majority) moved that the House reconsider its vote whereby it passed House Bill No. 506 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred Resolution appointing a committee to investigate the purchase and distribution of gasoline for the state, including the reasons for issuance of more credit cards than state owned vehicles, having considered the same, reported the same with the following amendment, and the recommendation that the resolution as amended ought to pass:

Amend the resolution by striking out the figure "19" in the last line and inserting in place thereof the figure, 27, so that said section shall read as follows:

Resolved, That a committee consisting of five members of the House of Representatives, not more than three of whom shall be of the same political party, be appointed by the Speaker to investigate the purchase and distribution of gasoline for the state, including the reasons for issuance of more credit cards than state owned vehicles. The committee may ask the assistance of the Attorney General and his staff and the co-operation of the heads of departments and institutions in its investigation. Said committee shall report its findings to the House not later than Thursday, August 27th, 1959.

The Clerk read the resolution in full.

Mr. Grimes of Dover and Mr. McMeekin of Haverhill spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

On a *viva voce* vote the resolution was adopted.

(Speaker in the Chair)

The Chair appointed the following members as members of the committee on above resolution:

Messrs. Terry of Westmoreland, Galloway of Walpole, Willey of Campton, Pickett of Keene and Kearns of Manchester.

On motion of Mr. Pickett of Keene, House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer, was taken from the table.

Mr. Pickett of Keene offered the following amendment and spoke in favor of the amendment.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

The sum of three thousand three hundred dollars is hereby appropriated to be expended to reimburse Rita Collyer for her hospital and other expenses incurred in connection with her accident at the State House. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

On a *viva voce* vote the amendment was adopted, and the resolution was ordered to a third reading.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to put House Joint Resolution No. 50 on third reading and final passage by caption only at the present time.

On a *viva voce* vote the motion prevailed.

Third Reading

House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 71, An Act relative to verification of individual savings deposit books, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1 *Verification of Deposit Books.* Amend RSA 386:21 (supp) as amended by 1957, 258:2 by

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2 *Duty of Depositors.* Amend RSA 386:22 by striking out said section and inserting in place thereof the following: 386:22

On motion of Mr. Dutton of Peterborough the House concurred in the amendment.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 77, An Act relative to curriculum to be taught in high schools.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *School Districts.* Amend RSA 194:23 by striking out said section and inserting in place thereof the following:

194:23 *Definition of High School.* The term "high school" shall mean a school, academy or literary institution offering a course of studies for four years in such subjects (a) as are generally required to be offered by students for admission to colleges, technical schools and teachers colleges as determined by the state board of education and (b) those prescribed by statute including reasonable instruction in the constitutions of this state and of the United States and (c) such other subjects as the school district maintaining such school may determine by its school board or by vote of the district. Such school shall also comply with standards prescribed by the state board of education which shall be uniform in their application to all schools, with respect to teaching the offered course of studies and to facilities and equipment used and maintained to offer such course of studies.

2 *High Schools.* Amend RSA 194 by inserting after Section 23 the following new sections:

194:23-a *Definition of Comprehensive High School.* The term "comprehensive high school" means a school, academy or literary institution offering a course of studies for four years for students, who have completed eight years of grammar school or its equivalent, including subjects pre-

scribed by the state board of education and by statute including reasonable instruction in the constitutions of this state and of the United States. Such school shall also comply with standards prescribed by the state board of education which shall be uniform in their application to all schools, with respect to the teaching of such course of studies and the facilities and equipment used or maintained to offer such course of studies.

194:23-b *Approval of High Schools and Comprehensive High Schools.* In order to satisfy compulsory school attendance laws a high school student less than sixteen years old must attend a high school or a comprehensive high school which has been approved by the state board of education as complying with the provisions of section 23 or section 23-a, or their equivalent; and the state board of education shall annually publish a list of all high schools and comprehensive high schools which it has approved as meeting the requirements of section 23 or section 23-a.

194:23-c *Standards and Uniformity.* The state board of education shall have the power to approve for a reasonable period of time a high school or a comprehensive high school although it does not fully meet the requirements of section 23 or 23-a if in its judgment the financial condition of the school district or other pertinent circumstances justify delay in full compliance.

194:23-d *State Financial Aid.* A high school or a comprehensive high school must be approved by the state board of education in order to qualify the district or cooperative school district maintaining such school to receive any form of financial state aid to education for high schools or pupils in attendance thereat which are now or which may hereafter be provided by the General Court of this state. A school district or a cooperative school district maintaining an approved high school shall also, in order to qualify for such state financial aid, appropriate sufficient funds to meet the cost of tuition for such high school pupils as reside in its school district as desire to attend an approved comprehensive high school due to the fact such approved comprehensive high school offers courses better suited to the needs and capabilities of said pupils. Any person having the custody of a high school student desiring to attend an approved comprehensive high school may apply to the state board of education for relief if such person is dissatisfied with

the action of the school board and the state board after notice to the school board may order such pupil to attend an approved comprehensive high school and the school district of residence of such pupil shall be liable for the cost of tuition.

194:23-e *Receipt of Tuition Students.* In order to be entitled to accept tuition students a public high school or a public comprehensive high school must be approved by the state board of education as complying with the provisions of section 23 or 23-a.

3 *Takes Effect.* This act shall take effect upon its passage.

On motion of Mrs. Brown of Sandwich the House concurred in the Senate amendment.

The Senate message further announced that the Senate concurs with the House of Representatives in the adoption of amendments to the following entitled bill passed by the House of Representatives:

Senate Bill No. 158, An Act relating to the installation of appliances.

Resolutions

Mr. Coutermarsh of Lebanon offered the following resolutions:

Whereas, we have learned with regret of the death of Leon Howard of Lebanon, and

Whereas, Mr. Howard was a former representative and was active in the civic affairs of his town, therefore be it

Resolved, That we, the members of this House of Representatives, do hereby extend our sympathy to the family in its bereavement and be it further

Resolved, That a copy of these resolutions be transmitted to Mrs. Howard.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of a bill by title only and a resolution by caption only, and that when the

House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

The following House bill and House joint resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the Superior Court, was read a third time, passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Hayward of Hanover the House adjourned at 4:56 o'clock.

THURSDAY, AUGUST 20, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Almighty God, Who alone canst give wisdom and understanding, inspire, we pray Thee, the hearts of all to whom has been committed the responsibility of government in this Granite State. Give to them the vision of truth and righteousness; teach them how to temper justice with mercy, that by their counsels the men and women of New Hampshire, both in and out of this General Court, may work together in the spirit of brotherhood. Deliver all our folk from unhallowed rivalries and unworthy ambitions, from the lust of power, the cruelty of oppression, and the bitterness of enmity. Fill them with the spirit of compassion and forgiveness for each other, of fellowship and mutual helpfulness. Kindle in our hearts the true love of peace, and grant that Thy children by their thoughts and endeavors may glorify Thy name. Amen.

Pledge of Allegiance to the Flag

Mr. Bushey of Northumberland led the Convention in the Pledge of Allegiance to the Flag.

House

Reconsideration

Mr. Sanborn of Hampton Falls, having voted with the majority, served notice that today, or some subsequent day, he will ask the House to reconsider its vote whereby it passed Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the Superior Court.

Introduction of Bills

The following bills were introduced, read a first and second time and referred as follows:

By Committee on Rules (Mr. Gilman of Farmington) House Bill No. 516, An Act relative to authority of commissioner of public works and highways. To the Committee on Public Works.

By Committee on Rules (Mr. Chase of Durham) House Bill No. 517, An Act legalizing the meetings of the Madbury Water District. To the Committee on Municipal and County Government.

By Committee on Rules (Mr. Rowell of Newport) House Bill No. 518, An Act relative to authority for expenditures of special federal funds received by the Public Works and Highways Department. To the Committee on Appropriations.

On motion of Mr. Deans of Milford printing of House Bill No. 517 was dispensed with.

The Clerk read the bill in full.

House Bill No. 517, An Act legalizing the meetings of the Madbury Water District.

1 *Proceedings Legalized.* The public meetings of the Madbury Water District held on March 31, 1954, March 29, 1955, March 31, 1956, March 12, 1957, March 20, 1958 and March 20, 1959 are hereby legalized as the annual meetings of the Madbury Water District and all votes and proceedings taken on these dates are hereby ratified and confirmed.

2 *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the motion was adopted.

Communication

Aug. 20, 1959

Hon. Stewart Lamprey
Speaker, House of Representatives
State House
Concord, New Hampshire

DEAR MR. SPEAKER:

I hereby submit my resignation as a member of this legislature effective August 22, 1959.

I have accepted the position of Director of the New Hampshire Farm Census and must start my duties at once. Needless to say, I would not have accepted this position had I expected our session to have lasted this long.

Sincerely,

EARLE W. CHANDLER,
Representative from Bartlett.

The Chair referred the above resignation to the Committee on Elections.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Mr. Deans of Milford spoke against the motion,

Mr. Kearns of Manchester spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mrs. Hartigan of Rochester, for the Committee on Banks and Ways and Means, to whom was referred House Bill No. 433, An Act relating to the taxation of banks, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out sections 1, 2, 3, 4, and 5 and inserting in place thereof the following:

1 *Taxation of Banks.* Amend RSA 84:9 (supp) as amended by 1957, 322:5 by inserting at the end thereof the words, provided, that no deduction shall be allowed with respect to the amount invested in any United States bond, or in any bond, note or debenture the principal or interest of which is guaranteed by the United States, unless such United States bond, or bond, note or debenture so guaranteed by the United States shall be held by such corporation for a period of at least ninety days, so that said section as amended shall read as follows: 84:9 *Tax and Deductions.* Every such corporation, except building and loan associations, organized under the laws of this state, and credit unions organized under RSA, chapter 394, shall pay to the state tax commission annually, on October first, an excise tax for the privilege of conducting the business of a savings bank or other such corporation, equal in amount to twelve twenty-fourths of one per cent upon the amount of the savings deposits on which it pays interest, after deducting the value of all its real estate wherever situated and the value of all its loans secured by mortgage upon real estate situated in this state made at a rate not exceeding five per cent per annum; and the amount invested in bonds and notes of this state or any of the counties, municipalities, school districts, or village precincts of this state or of the New Hampshire water resources board; provided, that such bonds and notes bear interest at a rate not exceeding five per cent per annum; and the amount invested in the United States bonds, and in bonds, notes, or debentures the principal or interest of which is guaranteed by the United States, and in bonds issued under the provisions of the Federal Farm Loan Act, and the amount not exceeding five per cent of the deposits invested in acceptance of member banks of the federal reserve system of the kinds and maturities made eligible for rediscount or purchase by federal reserve banks, and the amount invested in the capital stock of national banks located in this state. Provided, that no deduction shall be allowed with respect to the amount invested in any United States bond, or in any bond, note or debenture the principal or interest of which is guaranteed by the United States, unless such United States bond, or bond, note or debenture so guaranteed by the United States shall be held by such corporation for a period of at least ninety days.

Further amend said bill by renumbering section 6 to read section 2.

Mr. Dutton of Peterborough spoke in favor of the amendment.

(discussion ensued)

Mr. Pillsbury of Manchester moved that further consideration of House Bill No. 433 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

The Chair declared a one mincte recess.

After Recess

Mr. Pillsbury of Manchester withdrew his motion to indefinitely postpone and spoke against the amendment.

Mrs. Hartigan of Rochester spoke in favor of the amendment.

Mr. Chandler of Bartlett explained the proposed committee amendment.

(discussion ensued)

Mr. McMeekin of Haverhill spoke against the amendment.

Mr. Dutton of Peterborough explained the amendment.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Chandler of Bartlett offered the following amendment and moved that the rules of the House be so far suspended as to dispense with the reading of the amendment.

On a *viva voce* vote the motion was adopted.

Amend section 1 of the bill by striking out the word "three" in the second and fifth lines and inserting in place thereof the words, one and one-half, so that said section as amended shall read as follows:

1 *Capital Stock Tax.* Amend RSA 84:1 by striking out the word "one" in the second line and inserting in place thereof the words, one and one-half, so that said section as amended

shall read as follows: 84:1 *Tax on Par Value of Capital Stock.* Every national bank annually shall pay, for and on behalf of its stockholders, a tax of one and one-half per cent on the par value of its capital stock, and such tax shall be paid by the bank to the towns or cities where the stockholders reside in proportion to the amount owned by the stockholders of each town or city; but such portion of said tax as is represented by shares owned by persons residing out of the state shall be paid to the town or city where the bank is located; provided, however, that preferred stock of any such bank authorized and issued under the provisions of an act of Congress approved March 9, 1933, entitled "An Act to Provide Relief in the Existing National Emergency in Banking, and for Other Purposes" and amendments thereof shall be exempt herefrom.

Amend RSA 84:16-c as inserted by section 2 of the bill by striking out the word "two" in the fourth line and inserting in place thereof the word, one, so that said section as amended shall read as follows: 84:16-c *Imposition of Tax.* Every such corporation as defined in section 16-a shall at the time of filing the reports provided for above pay to the division of interest and dividends, state tax commission, a franchise tax for the privilege of engaging in the banking business equal to one per cent of the total amount of interest, dividends, and divided profits paid or declared by it on its savings deposits, special deposits, shares and capital stock in the twelve months' period preceding April first; There shall be deducted from the tax imposed by this section the amount which any national bank shall pay under the provisions of section 1 or which any other bank or trust company shall pay under the provisions of section 16-d; but the extent of such credit as to any such bank or trust company shall not exceed the amount of the tax imposed by this section, and such deduction shall not be allocable among the several towns in the distribution of the amount of tax collected.

Amend RSA 84:16-d as inserted by section 2 of the bill by striking out the word "three" in the fifth line and inserting in place thereof the words, one and one-half, so that said section as amended shall read as follows: 84:16-d *Additional Tax.* Every such corporation as defined in section 16-a, except mutual savings banks, building and loan associations, co-operative

banks, federal savings and loan associations and other similar mutual institutions, shall in addition pay at the same time to said division a further tax for the privilege of conducting such business, equal in amount to one and one-half per cent annually upon its capital stock or special deposits; provided, however, that preferred capital stock or preferred special deposits of such corporations issued with the approval of the bank commissioner, or the comptroller of the currency under the provisions of an act of Congress approved March 9, 1933, entitled "An Act to Provide Relief in the Existing National Emergency in Banking and For Other Purposes" and amendments thereof shall be exempt therefrom.

(discussion ensued)

At the request of Mr. McMeekin of Haverhill, Mr. Chandler of Bartlett explained the pending amendment.

At the request of Mr. Gilman of Farmington, Mr. Pillsbury of Manchester explained the pending amendment.

Mr. Gilman of Farmington moved that House Bill No. 433, with pending amendment, be recommitted to the Joint Committee on Banks and Ways and Means and spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke against the motion.

Mrs. Palmer of Plaistow spoke in favor of the motion.

Mr. Chandler of Bartlett spoke against the motion.

(discussion ensued)

Mr. Urie of New Hampton spoke in favor of the motion.

Mr. Clement of Rochester spoke in favor of the motion.

Mrs. DeLude of Unity spoke against the motion.

Mr. Pillsbury of Manchester spoke a second time against the motion.

(discussion ensued)

Mr. Green of Manchester moved that House Bill No. 433, with pending amendment, be made a Special Order for next Tuesday at 11:01 o'clock.

Mr. Kearns of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted and House Bill No. 433 was made a Special Order for next Tuesday at 11:01 o'clock.

On a unanimous *viva voce* vote of the House, the Chair ordered today's Journal to be mailed to members of the House over the weekend.

The Chair introduced W. Douglas Scamman as a guest of the House today.

The Chair announced the following members as a committee to draw up suitable resolutions for Miss Marion Alexander.

Miss Loizeaux of Plymouth, Chairman
Mr. Gilman of Farmington
Mr. McMeekin of Haverhill
Mrs. Cooper of Nashua
Mr. King of Manchester
Miss Bailey of Newport
Mr. Pickett of Keene

Committee Report

Mr. Green of Manchester, for the Committee on Elections, to whom was referred the resignation of Earle W. Chandler, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the resolution was adopted.

Messrs. Monahan of Hanover, Urie of New Hampton and Mrs. Davis of Woodstock offered the following resolutions:

Whereas, William Andrew Healy, technical secretary of the New Hampshire Water Pollution Commission since its inception in 1947, has recently received national recognition as recipient of the George Warren Fuller Award by the American Water Works Association "for distinguished service in the water supply field and in commemoration of the sound engineering skill, the brilliant diplomatic tact, and the constructive leadership of men in this association," and

Whereas, only six individuals from different areas in the United States were thus honored this year; and

Whereas, he has devoted the past twenty years to the service of our state in the Division of Sanitary Engineering of

the State Health Department and the Water Pollution Commission, now therefore be it

Resolved, by the House of Representatives, that we wish to commend William A. Healy for his long and productive service to the State of New Hampshire, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. Healy and to Mr. Harry A. Manson, Chairman of the New Hampshire Water Pollution Commission, and to Dr. Edward W. Colby, State Health Officer.

On a *viva voce* vote the resolutions were unanimously adopted.

Reconsideration

Mr. Green of Manchester moved that the House reconsider its vote whereby it passed Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the Superior Court, and spoke against the motion.

Mr. Sanborn of Hampton Falls spoke in favor of the motion.

(discussion ensued)

At the request of Mr. Sanborn of Hampton Falls, the Clerk read the Senate Joint Resolution in full.

On a *viva voce* vote the motion to reconsider was lost.

Mr. Willey of Campton moved that the rules of the House be so far suspended as to permit the introduction of a resolution not previously considered by the Rules Committee.

Whereas, State Trooper Robert W. Dearborn has, without fault on his part, suffered personal injuries in an accident arising out of and in the course of his employment for the State, and

Whereas, the said Dearborn has exhausted his sick leave benefits, and

Whereas, it appears that the said Dearborn will require extensive hospital and medical care, as well as a long period of recuperation, and

Whereas, the benefits afforded him under the Workmen's Compensation Law may be inadequate, now therefore be it

Resolved, That the Speaker appoint a committee consisting of three members to examine and investigate into the

propriety and adequacy of the benefits afforded under the Workmen's Compensation Law with respect to this employee injured in line of duty, and to make their report of such examination and investigation to this Session of the General Court, and as soon as practicable. The special committee may call upon, and shall be provided the assistance of, any agency of the State in making their said examination and investigation.

The Clerk read the resolution in full.

Mr. Willey of Campton spoke in favor of the resolution.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution.

On a *viva voce* vote the motion was adopted.

Mr. Gilman of Farmington spoke against the resolution and moved that the resolution be referred to the Committee on Rules.

Mr. Willey of Campton spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion.

Mr. Gilman of Farmington spoke a second time in favor of the motion.

Mr. Willey of Campton spoke a second time in favor of the motion.

On a *viva voce* vote the resolutions were referred to the Committee on Rules.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, reported that they have examined and found correctly engrossed the following entitled Senate bills and House joint resolution:

Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain utilities.

Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the state.

House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state.

Mr. Felch of Seabrook introduced the following resolutions:

Whereas, Clarence B. Perry, Representative from Newbury, is confined to his home by illness after having been hospitalized, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Perry a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Mrs. Neale of Hanover the House adjourned at 1:17 o'clock.

TUESDAY, AUGUST 25, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O Thou who didst undergird Moses, the ancient legislator, with self-confidence . . . Thou who didst strengthen Solomon, the ancient ruler, with wisdom . . . Thou who didst bless Jesus, the Galilean, with the gift of inclusive love . . . so, we pray, Thou wilt fortify the public servants of the State of New Hampshire. Let confidence in the rightness of doing what is moral, wisdom in knowing what genuinely is in the public interest, and inclusive love of both Thee and fellow-man reside in the hearts and minds of all who here this day bow before Thee seeking Thy guidance. Amen.

Pledge of Allegiance to the Flag

Mr. Rolfe of Rochester led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of a Guest

The Chair announced that Miss Eloise C. Brungot was a guest of the House today, courtesy of her grandmother, Mrs. Brungot of Berlin.

Leaves of Absence

Mr. Grimes of Dover was granted leave of absence for the week on account of important business.

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Mr. Saunders of Nashua was granted an indefinite leave of absence on account of illness.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously accepted on by the Rules Committee and spoke in favor of the motion.

Mr. Green of Manchester spoke against the motion.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Kearns of Manchester spoke against the motion.

(discussion ensued)

(Speaker in the Chair)

Mr. Hart of Manchester and Mr. Crosby of Hillsborough spoke in favor of the motion.

(discussion ensued)

Messrs. Charland of Franklin, Maloomian of Somersworth and Pickett of Keene spoke against the motion.

The Chair requested a division vote.

A division vote being taken and 109 members having voted in the affirmative, and 190 members having voted in the negative, the motion to suspend the rules did not prevail.

Reports of Standing Committees

Mr. Crowley of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 312, An Act relative to technical institutes, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Green of Manchester called for the Special Order on House Bill No. 433, An Act relative to the taxation of banks.

The question now being on the amendment as offered by the former member from Bartlett, Mr. Chandler.

Mr. Pickett of Keene moved that House Bill No. 433, with pending amendment, be referred to the Special Committee to be appointed under House Joint Resolution No. 30.

The Chair ruled that the motion was in order.

Mr. Pickett of Keene spoke in favor of the motion.

Messrs. Crosby of Hillsborough, and Deans of Milford spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and House Bill No. 433 was referred to the Special Committee set up by House Joint Resolution No. 30.

Reconsideration

Mr. Urie of North Hampton asked that the House reconsider its vote whereby it adopted the resolution of the committee that House Bill No. 195, An Act relative to searchers for lost persons and drowning victims by the Fish and Game Department, was inexpedient to legislate, and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Mrs. Hartigan of Rochester asked that the House reconsider its vote whereby it adopted the resolution of the committee that House Bill No. 367, An Act providing for an assistant superintendent for the city of Rochester, was inexpedient to legislate.

On a *viva voce* vote the motion did not prevail.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye.

Introduction of a Senate Bill

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye, was introduced, read a first and

second time and referred to the Committee on Resources, Recreation and Development.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following House and Senate bills and Senate joint resolution:

Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

Senate Bill No. 158, An Act relating to the installation of appliances.

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the superior court.

House Bill No. 77, An Act relative to curriculum to be taught in high schools.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock to be in order at the present time, that third reading of a bill be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

House Bill No. 312, An Act relative to technical institutes, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Miss Whipple of Lebanon the House adjourned at 12:09 o'clock.

WEDNESDAY, AUGUST 26, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain, Reverend Kenneth Roy Milsen of St. Paul's Lutheran Church of Berlin, as follows:

Heavenly Father for these who mould the affairs of our state, we ask

— forgiveness for their blunders, and for those times when some have been more childish than childlike, sulking and silly, rather than learning and leading;

— common sense and guidance in the action they take, that they might be worthy of the respect and gratitude of those they represent;

— a sense of accountability to Thee, that believer and skeptic alike might realize that with every judgment they are being judged.

We make this request in the strong name of the Lord Jesus Christ. Amen.

Pledge of Allegiance to the Flag

Senator Lamontagne of District No. 1 led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair announced that Mesdames Belle Nason and Bernice Kelley were guests of the House today, courtesy of Mr. Keefe of Portsmouth.

Leave of Absence

Mr. Gordon of Sandown was granted an indefinite leave of absence on account of illness.

Personal Privilege

Mr. Comi of Concord rose on a point of personal privilege to thank the House for its kind thoughts and deeds during his long illness.

Introduction of Bills

By Mr. Hodgdon of Tuftonboro (Rules Committee) House Bill No. 519, An Act ratifying certain action taken by the Carroll County Convention, was introduced, read a first and second time and referred to the committee on Municipal and County Government.

Mr. Hodgdon of Tuftonboro moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 519.

The Clerk read the bill in full.

Mr. Hodgdon of Tuftonboro explained the bill.

On a *viva voce* vote the motion was adopted.

By Mrs. Atwood of Sanbornton (Rules Committee) House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division, was introduced, read a first and second time and referred to the committee on Appropriations.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 520.

The Clerk read the bill in full.

On a *viva voce* vote the motion was adopted.

Reports of Standing Committees

Mr. Crosby of Hillsborough, for the Committee on Judiciary to whom was referred House Bill No. 204, An Act to authorize defendant to seek summary procedure for judgment in actions of contract to which there is no defense, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act to authorize defendant to seek summary procedure for judgment in actions of contract and relating to joint tenancy.

Amend said bill by striking out section 1 and inserting in place thereof the following new sections:

1 *Superior Court.* Amend RSA 491:8-a (supp) as inserted by Laws of 1955, 46:1, by striking out said section and inserting in place thereof the following: 491:8-a *Motions for Summary Judgment.* In an action founded on contract

in which the plaintiff seeks to recover a debt or liquidated demand, either party may, at any time after the defendant has appeared, move for immediate entry of judgment, setting forth with particulars his cause of action or his defense. This motion shall be accompanied by affidavits based upon personal knowledge of admissible facts as to which it appears affirmatively that the affiants will be competent to testify. The facts stated in accompanying affidavits shall be taken to be admitted for the purpose of the motion unless within fifteen days contradictory affidavits based on personal knowledge are filed or the opposing party shall file an affidavit showing specifically and clearly reasonable grounds for believing that contradictory evidence can be presented at a trial but cannot be furnished by affidavits. If such affidavits are not filed by the opposing party within said fifteen days, judgment shall be entered on the next judgment day in accordance with the facts or such further order made as justice may require. Copies of all motions and affidavits shall upon filing be furnished opposing counsel. If it shall appear upon hearing that no genuine issue of material fact exists judgment may be entered accordingly.

2 *Deeds*. Amend RSA 477:18 by inserting after the word "survivorship" in the eighth line the words, or as tenants by the entirety, so that said section as amended shall read as follows: 477:18 *Tenants in Common*. Every conveyance or devise of real estate made to two or more persons shall be construed to create an estate in common and not in joint tenancy, unless it shall be expressed therein that the estate is to be holden by the grantees or devisees as joint tenants, or to them and the survivor of them, or unless other words are used clearly expressing an intention to create a joint tenancy. The addition, following the names of the grantees in the granting clause of a deed or devise of the words "as joint tenants with rights of survivorship" or "as tenants by the entirety," shall constitute a clear expression of intention to create a joint tenancy.

Further amend said bill by renumbering section 2 to read section 3.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to dispense with the reading of the amendment.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Bisbee of Derry moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mrs. Kimball of Jefferson, for the Committee on Fish and Game, to whom was referred House Bill No. 198, An Act relative to open season for taking fur-bearing animals in Carroll and Grafton counties, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out the title and inserting in place thereof the following: An act relative to taking hellgrammites.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Taking of Hellgrammites.* Amend RSA 211 by inserting after section 15 the following new section: 211:15-a *Hellgrammites.* Hellgrammites may be taken or possessed by residents of the state only, from June twentieth to October first in any year. No person shall use or have in his possession for use in taking hellgrammites as bait, any device or tool of any kind. No person shall transport hellgrammites outside the boundaries of the state for any purpose. Whoever violates any of the provisions of this section shall be fined not more than fifty dollars.

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Reconsideration

Mr. Branch of Goffstown moved that the House reconsider its vote whereby it adopted the resolution of the committee that

House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood, be referred to the next session of the Legislature and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Hart of Manchester requested a division.

The Chair asked for a quorum count.

295 members having risen the Chair declared a quorum present.

The division vote having been taken and 98 members having voted in the affirmative and 148 members having voted in the negative, the motion to reconsider House Joint Resolution No. 25 was lost.

Personal Privilege

Mr. Branch of Goffstown and Mr. O'Shan of Laconia rose on a point of personal privilege.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

House Bill No. 351, An Act entitled the Uniform Commercial Code.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 207, An Act relating to the operation of motor buses.

House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

The Chair announced that today is the 46th Wedding Anniversary of Mr. DeLisle of Manchester.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House

adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence.

House Bill No. 198, An Act relative to digging hell-gramites.

House Bill No. 204, An Act to authorize defendant to seek summary procedure for judgment in actions of contract to which there is no defense.

On motion of Mrs. White of Portsmouth, Ward 4, the House adjourned at 11:49 o'clock.

THURSDAY, AUGUST 27, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

We turn to Thee, O Light and Life of all mankind, our hearts lifted up in gratitude for the wise and good who have gone before us, who have striven even unto death to establish equity, justice and goodwill upon earth, and into the fruit of whose labors we have entered. We give thanks for fathers and elder brethren who have beheld the vision of a fair State of prosperity and peaceful justice, and into whose goodly heritage we have come. So, we pray that we may stand in their places in the time allotted to us, that with steadfast courage and unwavering hope we may fulfill the tasks put into our hands to do. Amen.

Pledge of Allegiance to the Flag

Mr. Blaisdell of Portsmouth led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following as guests of the House today:

Mr. and Mrs. Edward C. Keefe, courtesy of Mrs. Dondero of Portsmouth.

Dolina Millar of Claremont, courtesy of Mrs. Frizzell of Charlestown.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

Mr. Geisel of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Joint Committee on Judiciary and Banks to whom was referred House Bill No. 489, (In new draft and with new title) An Act authorizing branch banking facilities under limited conditions, having considered the same, reported the same with the recommendation that the bill with the proposed amendment be referred to the Justices of the Supreme Court for an opinion as to the constitutionality of the proposed amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act authorizing the establishment of a branch bank in Penacook.

Amend the bill by striking out all after the title and inserting in place thereof the following:

Whereas, the Governor's Committee on The Valley Trust Company has reasonable cause to believe that if legislation is enacted authorizing the establishment of a branch bank in the village of Penacook, the Bank Commissioner, in liquidating the affairs of The Valley Trust Company, will realize from a sale of its assets one hundred and fifty thousand dollars (\$150,000.00) in excess of the amount he would otherwise be able to realize therefrom, thus minimizing the loss to depositors.

Now, Therefore, Be It Enacted by the Senate and the House of Representatives in General Court convened:

1 *Declaration of Purpose.* It is the limited purpose of this act to meet the emergency occasioned by the failure of all attempts to reorganize The Valley Trust Company of Penacook, New Hampshire which was closed on June 24, 1958 by

order of the superior court in accordance with RSA 395. It is declared that the public convenience and necessity require the existence of banking facilities in Penacook to serve the needs of the citizens residing in that area of this state formerly served by The Valley Trust Company. It is further declared that the general court views the loss of banking facilities in Penacook and the consequent hardship imposed upon depositors and the people residing in Penacook and surrounding communities as a special emergency requiring this special emergency legislation.

2 *Branch Authorized.* Any trust company, mutual savings bank or guaranty savings bank now or hereafter organized and existing under the laws of the state of New Hampshire and authorized to engage in the business of banking within the city of Concord may apply to the board of incorporation of trust companies established by RSA 392 for permission to establish and operate a single branch in ward 1 of the city of Concord in the village of Penacook. Upon receipt of such application the board shall proceed in the manner prescribed in RSA 392:6-7-8, and decide whether or not the public convenience and advantage would be promoted by the establishment of such branch bank. If the decision is in the affirmative the board shall issue a certificate to such banking corporation authorizing the establishment and operation of such branch. Nothing herein shall limit or restrict any national bank existing and authorized to do business in Concord from establishing a branch in Penacook in conformity with the laws of the United States governing national Banks.

3 *Limitation.* Nothing in this act shall be construed as conferring upon any banking corporation, whether organized and existing under the laws of this state or of the United States, authority to establish and operate a branch within this state except as expressly provided in section 2.

4 *Takes Effect.* This act shall take effect upon its passage.

At the request of Mr. Geisel of Manchester the Clerk read the amendment in full.

Mr. Geisel of Manchester spoke against the recommendation of the committee.

Mr. Crosby of Hillsborough spoke in favor of the recommendation.

(discussion ensued)

Mrs. Davis of Concord spoke against the recommendation.

Mr. Pickett of Keene spoke in favor of the recommendation.

(discussion ensued)

Mr. Urie of New Hampton spoke against the recommendation.

Mr. Gibson of Concord spoke in favor of the recommendation.

Mr. Gilman of Farmington spoke against the recommendation.

(discussion ensued)

At the request of Mrs. Hartigan of Rochester, Mr. Crosby of Hillsborough answered questions.

Mr. Green of Manchester spoke in favor of the recommendation.

(discussion ensued)

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

The question now being, Shall the main question now be put?

On a *viva voce* vote the motion was adopted.

The question now being on the recommendation of the committee.

Mr. Urie of New Hampton requested a division.

A division being had and 217 members having voted in the affirmative and 83 members having voted in the negative, the recommendation of the committee was adopted.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it referred House Bill No. 489 to the Supreme Court for an opinion and spoke against the motion.

On a *viva voce* vote the motion to reconsider was lost.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 414, An Act

continuing the work of the economic growth survey committee, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "twenty-five" in the first line and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

1 *Moose Brook State Park.* The sum of fifteen thousand dollars is hereby appropriated for the purpose of constructing additional recreational facilities at Moose Brook in the town of Gorham. The sums hereby appropriated shall be expended under the direction of the recreation division of the forestry and recreation commission.

Amend section 2 of the bill by striking out the words "a charge upon the recreational fund as provided by RSA 219:20" and inserting in place thereof the words, paid out of funds not otherwise appropriated, so that said section as amended shall read as follows:

2 *Continuing Appropriation.* The sum appropriated by section 1 of this act shall be a continuing appropriation and shall not lapse. Said sum shall be paid out of funds not otherwise appropriated.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred Senate Bill No. 83, An Act relating to the improvement of Rye Harbor, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred House Joint Resolution No.

24, Joint Resolution relative to camping facilities at Bear Brook state park, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the House Joint Resolution was ordered to a third reading.

Mr. Underhill of Nashua, for the Committee on Liquor Laws to whom was referred Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Message

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 457, An Act making appropriations for the expenses of certain departments of the State for the year ending June 30, 1960.

Amend Section 1 of the bill in the appropriation for the legislative branch by striking out the same and inserting in place thereof the following:

A continuing appropriation which shall lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$39,253.00** for the office of legislative budget assistant to the appropriations and finance committees, and \$7,500.00 for the office of research analyst to the senate finance committee as follows: (Salary of legislative budget assistant \$10,500.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$2,500.00, other expenditures

** Of this amount \$34,253.00 shall be taken from the legislative appropriation made herein and \$5,000.00 shall be taken from the unexpended balance now in the accounts of the legislative budget assistant's office.

\$2,000.00*) (Salary of research analyst to senate finance committee \$7,000.00, other expenditures \$500.00)

	\$320,000.00
Legislative council†	2,500.00
Council of state governments	2,500.00
	<hr/>
Total for legislative branch	\$325,000.00

* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

† The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

Amend Section 1 of the bill in the appropriation for Forestry Division by inserting at the end thereof the following:

The forestry division is hereby authorized to proceed in setting up production of treated guard rail or other posts by the process known as Osmose Salt Impregnation. Such production as may result from this operation may be sold by the forestry division to the public works and highways department or to any other state department or institution, and/or political subdivisions of the state.

Revenue accruing to the forestry division from such sales may be expended for purposes of forest improvement with the approval of the governor and council.

Amend Section 1 of the bill in the appropriation for Insurance Department, in the paragraph, Real Estate division by striking out said paragraph and inserting in place thereof the following:

Real estate division:

Personal services	\$1,253.72
Current expenses	1,415.00
Travel	250.00
Equipment	1,400.00

Total	<hr/> 4,318.72
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Less estimated revenue and balance	4,318.72
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Net appropriation	0.00
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Further amend said appropriation for Insurance Department by striking out the words and figures, "Total for insurance department \$71,608.43; Less estimated revenue* 2,000.00; Net appropriation \$69,608.43" and inserting in place thereof the following:

Total for insurance department	\$70,955.43
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NOTE: In accordance with RSA 4:6 suitable space shall be made available for the Real Estate Division.

Amend Section 1 of the bill in the appropriation for Motor Vehicle Department, in the paragraph, Gasoline road toll by striking out said paragraph and inserting in place thereof the following:

Gasoline road toll:

Personal services	\$26,645.18
Current expenses	1,260.00
Travel	3,000.00
Equipment	2,300.00

Total	\$33,205.18
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Further amend said appropriation for Motor Vehicle Department by striking out the words and figures, "Total for motor vehicle department \$669,191.13; Less revenue 669,-191.13; Net appropriation 0.00" and inserting in place thereof the following:

Total for motor vehicle department	\$672,466.13
Less revenue	672,466.13

Net appropriation	0.00
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Amend Section 1 of the bill in the appropriation for Public Welfare by striking out the paragraph "Old age assistance" and inserting in place thereof the following:

Old age assistance:

State's share	\$968,999.30	
Less estimated revenue	98,544.00	
Net appropriation		\$870,455.30
Towns and counties	\$1,150,836.76	
Less estimated revenue	1,150,836.76	
Net appropriation		0.00
Federal*	\$2,483,547.00	
Less estimated revenue*	2,483,547.00	
Net appropriation		0.00

Further amend the appropriation for Public Welfare by striking out the paragraph "Old age assistance to aliens" and inserting in place thereof the following:

Old age assistance to aliens:

Towns and counties	\$147,365.00	
Less estimated revenue	147,365.00	
Net appropriation		0.00
Federal*	\$184,871.52	
Less estimated revenue*	184,871.52	
Net appropriation		0.00

Further amend the appropriation for Public Welfare by striking out the paragraph "Aid to dependent children" and inserting in place thereof the following:

Aid to dependent children:

State's share	\$1,034,618.86	
Less estimated revenue	60,000.00	
Net appropriation		974,618.86
Federal*	\$1,139,970.44	
Less estimated revenue*	1,139,970.44	
Net appropriation		0.00

It is the intent of the general court in arriving at the amount of appropriation for this aid that the requests for additional grants due to cost-of-living increase shall be denied. In view of the decreased appropriation, over requests, the commissioner is directed to carefully screen all new cases before making grants and to rescreen existing cases.

Further amend the appropriation for Public Welfare by striking out the paragraph "Aid to needy blind" and inserting in place thereof the following:

Aid to needy blind:

State's share	\$135,698.12	
Less estimated revenue	2,500.00	
	<hr/>	
Net appropriation		133,198.12
Federal*	\$131,747.52	
Less estimated revenue*	131,747.52	
	<hr/>	
Net appropriation		0.00

Further amend the appropriation for Public Welfare by striking out the paragraph, "Aid to permanently and totally disabled" and inserting in place thereof the following:

Aid to permanently and totally disabled:

State's share	\$99,277.71	
Less estimated revenue	3,000.00	
	<hr/>	
Net appropriation		\$96,277.71
Towns and counties	\$167,878.35	
Less estimated revenue	167,878.35	
	<hr/>	
Net Appropriation		0.00
Federal*	\$212,496.00	
Less estimated revenue*	212,496.00	
	<hr/>	
Net appropriation		0.00

Further amend said appropriation for Public Welfare by striking out the words and figures "Total for public welfare \$3,279,820.43" and inserting in place thereof, Total for public welfare \$3,058,794.21

Further amend said appropriation for Public Welfare by striking out the words and figures "Net appropriation \$2,814,066.52" and inserting in place thereof, Net appropriation \$2,593,040.30.

Further amend said appropriation for Public Welfare by adding at the end thereof the following note:

NOTE: The appropriation made above for the department of public welfare includes \$258,917.95 for the purpose of increasing the rate to Nursing Homes for the care of Welfare recipients by \$1.00 per day; \$21,842.00 for the purpose of increasing the rates paid to druggists for the purchase of drug items for Welfare recipients; \$36,536.80 for the purpose of increasing the rates paid to Hospitals for the care of Welfare recipients; and \$18,357.58 for the purpose of increasing the rates paid to Funeral Directors for burials of Welfare recipients.

Amend the paragraph for the University of New Hampshire by striking out the same and inserting in place thereof the following:

For University of New Hampshire:

Total	\$3,244,136.59
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The sum hereby appropriated shall be the total appropriation for the university and shall be in lieu of requirements for appropriation under RSA 187:24 and the requirements for the appropriation of \$92,400. for county extension work under RSA 187:23 (supp) as amended by 1957, 312:1. For the fiscal year ending June 30, 1960 such part of the formula for computation of so-called millage tax provided by RSA 187:24 inconsistent with the provisions of this paragraph shall be suspended.

That the Senate of New Hampshire hereby requests the University of New Hampshire to present biennial line item budget in future requests.

Amend Section 1 of the bill in the appropriation for Board of Education, in the paragraph Administration by striking out the same and inserting in place thereof the following:

Administration:

Salary of commissioner	\$13,443.22
Salary of deputy commissioner	10,492.00
Other personal services	119,420.27
Current expenses	15,320.00
Travel	9,000.00
Equipment	2,565.00

Other expenditures:

Revision of courses of study	1,600.00
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Total

\$171,840.49

Further amend the appropriation for Board of Education by striking out the words and figures "Total for board of education \$3,899,828.56; Less estimated revenue \$622,426.00; and Net appropriation \$3,277,402.56" and inserting in place thereof the following:

Total for board of education	\$3,901,051.78
Less estimated revenue	622,426.00
	<hr/>
Net appropriation	\$3,278,625.78
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Amend Section 1 of the bill in the appropriation for Planning and Development Commission by inserting after the words and figures "Eastern states exposition 8,000.00", the words and figures, Montreal office \$10,000.00.

Further amend said appropriation by striking out the words and figures "Total \$353,142.25" and inserting in place thereof, Total \$363,142.25.

Further amend said appropriation by striking out at the end thereof the words and figures "Total for planning and development commission \$367,142.25" and inserting in place thereof, Total for planning and development \$377,142.25.

Amend Section 1 of the bill in the appropriation for Racing Commission by striking out the same and inserting in place thereof the following:

For racing commission:

Thoroughbred racing:

Salary of three commissioners	\$6,000.51
Other personal services*	39,830.24
Current expenses**	4,085.00
Travel	4,000.00
Equipment	450.00
	<hr/>
Total	\$54,365.75
Less revenue	54,365.75
	<hr/>

Net appropriation	0.00
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Harness racing:

Personal services*	\$77,026.52
Current expenses	8,612.00

Travel	12,742.00	
Equipment	1,112.00	
Total	\$99,492.52	
Less revenue	99,492.52	
Net appropriation		0.00

* Such portion of this amount as constitutes the compensation of the official steward or associate judge of the state racing commission, shall be reimbursed to the state by the person, association, or corporation conducting the race or meet.

** In this appropriation \$800.00 shall be for printing, including rule books, and \$1,000.00 shall be for chemistry research. No transfers shall be made from said appropriation.

Amend Section 1 of the bill in the appropriation for Public Works and Highways Department by inserting at the end thereof the following:

NOTE: If the forestry division shall produce guard rail posts which meet specifications for highway use the commissioner of public works and highways is directed to purchase such posts.

Amend Section 1 of the bill by striking out at the end of the section the words and figures "Total net appropriation for the fiscal year ending June 30, 1960 \$23,379,948.51" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1960 \$23,074,092.51.

Amend Section 1 of the bill in the appropriation for Public Works and Highways Department in the footnote relative to the Blue Star Memorial Highway, Spaulding Turnpike, and Central New Hampshire Turnpike, by inserting at the end of the note the word, "respectively".

Amend Section 10 of the bill by adding at the end thereof the following, The provisions of this section shall not apply to new permanent positions authorized by this act or by any other act of the 1959 session, so that said section as amended shall read as follows:

10 *Permanent Positions.* Notwithstanding any provision to the contrary in the personnel act or any other act, no new permanent positions shall be established in the state classified service, or unclassified service, for any department or agency of the state during the period beginning July 1, 1959

and ending June 30, 1961. The provisions of this section shall not apply to new permanent positions authorized by this act or any other act of the 1959 session.

Mr. Bell of Plymouth moved that the House non-concur in the Senate amendments and that a Committee of Conference be appointed and spoke in favor of the motion.

Mr. MacIsaac of Laconia spoke against the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke against the motion.

(discussion ensued)

The Chair declared a one hour recess.

(After Recess)

The Chair requested a quorum count.

272 members being present the Chair declared a quorum present.

The question now being on the motion to non-concur in the Senate amendments on House Bill No. 457.

At the request of Mr. Plumer of Bristol the Clerk read the footnote in the Senate amendment.

Mr. Plumer of Bristol spoke in favor of the motion.

Mr. Clement of Rochester spoke in favor of the motion.

(discussion ensued)

Mr. Marx of Langdon spoke against the motion.

Mrs. Brown of Sandwich and Mrs. Atwood of Sanborn-ton spoke in favor of the motion.

Messrs. Kearns of Manchester and Mr. McMeekin of Haverhill spoke in favor of the motion.

(Mr. Crosby of Hillsborough in the Chair)

Mr. Lamprey of Moultonboro spoke against the motion.

(discussion ensued)

Mr. Hancock of Concord spoke in favor of the motion.

(Speaker in the Chair)

(discussion ensued)

Mr. Crosby of Hillsborough spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke a second time in favor of the motion.

Mr. Gilman of Farmington spoke a second time against the motion.

Mr. Green of Manchester moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion that the House non-concur in the amendments sent down by the Senate and that a Committee of Conference be appointed.

Mr. Urie of New Hampton demanded the Yeas and Nays.

The roll was called with the following result:

Yeas, 224

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Lacaille, Harkins, Normandin, Karagianis, Ayre of Laconia, Varrell, Pickering of Meredith, Smith of Meredith, Atwood, Howe.

CARROLL COUNTY: Downs, Hill, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth, Clafin.

MERRIMACK COUNTY: Guilbeault, Phelps, Moore, Bates, Henry, Hancock, Gibson, Woodman, Saltmarsh, Maxham, Newell, Chase of Concord, Carr, Boomhower, Leonard, Carpenter, Mulaire, Montgomery, London, Plourde, Ayer of Pittsfield, McGrath, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Farwell, Herrick, Branch, Taft, Pickering of Hancock, Crosby, Goodwin, Daneault, Gallagher, Gamache, Legallee, Green, Pettigrew, Danforth, Pillsbury, Sullivan, Tobin, Cullity, Nolan, Burke, Manning, Walsh, Ecker, Healy of Manchester, Ward 6, Champagne, Compagna, Delisle, Belanger, Kearns, King, Lafond of Manchester, Noel, Rousseau, Crowley, Peaslee of Merrimack, Deans, Falconer, Hayward of Milford, Cooper, Thibault of Nashua, Trombley, Brosnahan, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Ryan, Bouley, Grandmaison, Latour, Sabluski, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, Gowing, Turner, Stearns, Gordon of Jaffrey, Spofford, Terrill, McCullough, Wheeler,

Bennett, Brown of Keene, Faulkner, Pickett, Oliver, Allen, Bouvier, Hackler, Congdon, Terry.

SULLIVAN COUNTY: Frizzell, Gaffney, Angus, Nahil, Phillips, Burrows, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Rowell, Philbrick of Springfield, Delude.

GRAFTON COUNTY: Plumer, Willey, Graham of Canaan, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Coutermarsh, Porter, Whipple, Armstrong of Littleton, Burrill, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck.

COOS COUNTY: Fortier, Perrault, Desilets, Sheridan, Gagnon, Lacasse of Berlin, Marsh, Oakes, Emerson, Graham of Gorham, Potter, Bushey, Converse, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Batchelder, Clark, Kimball of Derry, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Long, Shepard, Sheehy, Labranche, Twardus, Carter, Palmer of Plaistow, Blaisdell, Langford, Philbrick of Rye, Barker.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wigin of Dover, Desjardins, Dunnington, Calcutt, Bevan, Chase of Durham, Littlehale, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Varney, Boisvert of Rollinsford, Habel, Cormier, Vincent, Malley, Brown of Strafford.

Nays, 72

BELKNAP COUNTY: Ayre of Laconia, MacIsaac, Urie.

CARROLL COUNTY: Hodgdon, Duchano, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Laflamme, Dowd, Lessels, Robinson of Concord, Gilman of Franklin, Thompson of Franklin, Charland, Burleigh, Hunt, Bigelow.

HILLSBOROUGH COUNTY: Aucella, Vadney, Hambleton, Poore, Goode, Armstrong of Manchester, Leclerc, Tessier, Morris, Daniel, Cole, Underhill.

CHESHIRE COUNTY: Pike, Miskelly, Forbes, Galloway, Frost, Sawyer.

SULLIVAN COUNTY: Marx, Spalding.

GRAFTON COUNTY: Gilbert, Chamberlain of Holderness, Beard, McGee, Kelley, Cushman.

COOS COUNTY: Brungot, Christiansen, Crockett, Bragg, Swett, Emery.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Cheney, Dondero, Keefe, Wood, Dame, Wardwell, White of Portsmouth, Ward 4, Ingraham, Carkin, Cross, Roulston, Felch.

STRAFFORD COUNTY: Stonemetz, Colbath, Richardson, Flanagan, Drew, Gilman of Farmington, Watson of Rochester.

Mr. Kretowicz of Keene, voting Yes, paired with Mr. Prescott of Laconia, voting No.

Mr. O'Shan of Laconia, voting Yes, paired with Mr. Pinkham of Northwood, voting No.

Mr. Downing of Newport, voting Yes, paired with Mr. Merrifield of Sunapee, voting No.

And the motion to non-concur prevailed.

The Chair appointed the following members as conferees on the part of the House:

Mr. Rowell of Newport, Mr. Hodgdon of Tuftonborough and Mr. King of Manchester.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 458, An Act making appropriations for the expenses of certain departments of the State for the year ending June 30, 1961.

Amend Section 1 of the bill in the appropriation for the legislative branch by striking out the same and inserting in place thereof the following:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and

which shall be for the expenses of the legislature, including \$36,853.00*** for the office of legislative budget assistant to the appropriations and finance committee, as follows: (Salary of legislative budget assistant \$10,500.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$100.00, other expenditures \$2,000.00*) (Salary of research analyst to senate finance committee \$7,000.00, other expenditures \$500.00)

Legislative council**	2,500.00
Council of state governments	2,500.00

Total for legislative branch	\$325,000.00
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* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14 RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

** The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

*** Of this amount \$31,853.00 shall be taken from the legislative appropriation made herein and \$5,000.00 shall be taken from the unexpended balance now in the accounts of the legislative budget assistant's office.

Amend Section 1 of the bill in the appropriation for Insurance Department by striking out said appropriation and inserting in place thereof the following:

For insurance department:

Office of commissioner:

Salary of commissioner	\$10,312.12
Salary of deputy commissioner	9,020.18
Other personal services	35,749.86
Current expenses	5,810.00
Travel	1,400.00
Equipment	200.00

Total	\$62,492.16
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Rating division:

Personal services	\$7,046.89
Current expenses	1,110.00

Travel	300.00	
Equipment	375.00	
Total		8,831.89

Real estate division:

Personal services	\$2,747.16
Current expenses	650.00
Travel	800.00
Equipment	200.00

Total	\$4,397.16
Less estimated revenue and balance	4,397.16

Net appropriation	0.00
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Total for insurance department	\$71,324.05
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Amend Section 1 of the bill in the appropriation for Motor Vehicle Department in the paragraph "Gasoline road toll" by striking out said paragraph and inserting in place thereof the following:

Gasoline road toll:

Personal services	\$26,905.85
Current expenses	1,260.00
Travel	3,000.00
Equipment	650.00

Total	\$31,815.85
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Further amend said appropriation for Motor Vehicle Department by striking out the words and figures, "Total for motor vehicle department \$693,190.76; Less revenue 693,190.76; Net appropriation 0.00" and inserting in place thereof the following:

Total for motor vehicle department	\$694,165.76
Less revenue	694,165.76

Net appropriation	0.00
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Amend Section 1 of the bill in the appropriation for Public Welfare by striking out the paragraph "Old age assistance" and inserting in place thereof the following:

Old age assistance:

State's share	\$977,723.10	
Less estimated revenue	99,000.00	
	<hr/>	
Net appropriation		878,723.10
Towns and counties	\$1,113,078.47	
Less estimated revenue	1,113,078.47	
	<hr/>	
Net appropriation		0.00
Federal*	\$2,364,018.00	
Less estimated revenue*	2,364,018.00	
	<hr/>	
Net appropriation		0.00

Further amend said appropriation for Public Welfare in the paragraph "Old age assistance to aliens" by striking out said paragraph and inserting in place thereof the following:

Old age assistance to aliens:

Towns and counties	\$157,706.58	
Less estimated revenue	157,706.58	
	<hr/>	
Net appropriation		0.00
Federal*	\$184,340.28	
Less estimated revenue	184,340.28	
	<hr/>	
Net appropriation		0.00

Further amend said appropriation for Public Welfare in the paragraph "Aid to dependent children" by striking out said paragraph and inserting in place thereof the following:

Aid to dependent children:

State's share	\$1,138,959.43	
Less estimated revenue	60,000.00	
	<hr/>	
Net appropriation		1,078.959.43
Federal*	\$1,199,199.47	
Less estimated revenue*	1,199.199.47	
	<hr/>	
Net appropriation		0.00

It is the intent of the general court in arriving at the amount of appropriation for this aid that the requests for additional grants due to cost-of-living increase shall be denied.

Further amend said appropriation for Public Welfare by striking out the paragraph "Aid to needy blind" and inserting in place thereof the following:

Aid to needy blind:

State's share	\$139,126.24
Less estimated revenue*	2,500.00

Net appropriation	\$136,626.24
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Federal*	\$130,685.04
Less estimated revenue*	130,685.04

Net appropriation	0.00
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Further amend said appropriation for Public Welfare by striking out the paragraph "Aid to permanently and totally disabled" and inserting in place thereof the following:

Aid to permanently and totally disabled:

State's share	\$106,317.81
Less estimated revenue	3,000.00

Net appropriation	\$103,317.81
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Towns and counties	\$180,250.75
Less estimated revenue	180,250.75

Net appropriation	0.00
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Federal*	\$228,433.20
Less estimated revenue	228,433.20

Net appropriation	0.00
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Further amend said appropriation for Public Welfare by striking out the words and figures "Total for public welfare \$3,434,089.80" and inserting in place thereof, Total for public welfare \$3,193,625.40.

Further amend said appropriation for Public Welfare by striking out the words and figures "Net appropriation \$3,127,589.80" and inserting in place thereof, Net appropriation \$2,887,125.40.

Further amend the appropriation for Public Welfare by adding at the end of said appropriation the following note:

NOTE: The above appropriation for the department of public welfare includes the following sums to continue the rate increases authorized by the budget act for the fiscal year ending June 30, 1960, namely, \$249,545.00 for nursing homes for care of welfare recipients; \$21,912.00 for amounts paid to druggists for the purchase of drug items for welfare recipients; \$36,546.80 for amounts paid to hospitals for the care of welfare recipients; and \$18,252.33 for the amount paid to funeral directors for burials of welfare recipients.

Amend the paragraph for the University of New Hampshire by striking out the same and inserting in place thereof the following:

For University of New Hampshire:

Total	\$3,244,136.59
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The sum hereby appropriated shall be the total appropriation for the university and shall be in lieu of requirements for appropriation under RSA 187:24 and the requirements for the appropriation of \$92,400 for county extension work under RSA 187:23 (supp) as amended by 1957, 312:1. For the fiscal year ending June 30, 1961 such part of the formula for computation of so-called millage tax provided by RSA 187:24 inconsistent with the provisions of this paragraph shall be suspended.

Amend Section 1 of the bill in the appropriation for Board of Education in the paragraph for Administration by striking out the same and inserting in place thereof the following:

Administration:

Salary of commissioner	\$14,003.26
Salary of deputy commissioner	10,492.00
Other personal services	122,289.46
Current expenses	15,270.00
Travel	9,000.00
Equipment	2,615.00
Other expenditures:	
Revision of courses of study	1,600.00

Total

\$175,269.72

Further amend the appropriation for Board of Education by striking out the words and figures, "Total for board of

education \$4,191,215.87"; Less estimated revenue 642,040.00; Net appropriation \$3,549,175.87" and inserting in place thereof the following:

Total for board of education	\$4,192,999.13
Less estimated revenue	642,040.00
Net appropriation	<u>\$3,550,959.13</u> =====

Amend Section 1 of the bill in the appropriation for Planning and Development Commission, by inserting after the words and figures "Eastern states exposition 8,000.00", the words and figures, Montreal office \$10,000.00.

Further amend said appropriation by striking out the words and figures "Total \$355,998.53" and inserting in place thereof, Total \$365,998.53.

Further amend said appropriation for Planning and Development Commission by striking out at the end thereof the words and figures "Total for planning and development commission \$368,998.53" and inserting in place thereof, Total for planning and development commission \$378,998.53.

Amend Section 1 of the bill in the appropriation for Racing Commission by striking out the same and inserting in place thereof the following:

For racing commission:

Thoroughbred racing:

Salary of three commissioners	\$6,000.51
Other personal services*	40,110.26

* Such portion of this amount as constitutes the compensation of the official steward or associate judge of the state racing commission, shall be reimbursed to the state by the person, association, or corporation conducting the race or meet.

Current expenses**	3,535.00
Travel	4,000.00
Total	<u>\$53,645.77</u>
Less revenue	<u>53,645.77</u>

Net appropriation 0.00

Harness racing:

Personal services	\$69,508.08
Current expenses	7,245.00
Travel	10,860.00
Equipment	435.00

Total	\$88,048.08
Less revenue	88,048.08

Net appropriation 0.00

** In this appropriation \$1,000.00 shall be for chemistry research and no transfer shall be made therefrom.

Amend Section 1 of the bill in the appropriation for Public Works and Highways Department in the footnote relative to the Blue Star Memorial Highway, Spaulding Turnpike, and Central New Hampshire Turnpike, by inserting at the end thereof the word, "respectively".

Amend Section 1 of the bill by striking out at the end of the section the words and figures, "Total net appropriation for the fiscal year ending June 30, 1961 \$24,261,292.88" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1961 \$23,936,896.74.

Mr. Bell of Plymouth moved that the House non-concur in the amendments sent down by the Senate and that a committee of conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed the following members as conferees on the part of the House. Mr. Rowell of Newport, Mr. Hodgdon of Tuftonborough, Mr. King of Manchester.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 434, An Act relative to public water supplies.

Amend the bill by striking out all of section 1 of the bill and inserting in place thereof the following: 1 *Use of Fluorides*. Amend RSA 31 by inserting after section 17 the following new subdivision:

Public Water Supplies

31:17-a *Referendum*. Upon the written application of 5% or 300 or more of the voters in a town, presented to the selectmen or one of them at least fifteen days before the day prescribed for an annual town meeting, the selectmen shall insert in their warrant for such meeting an article relative to the use of fluorides in the public water system for said town. If the town has an official ballot the Town Clerk shall insert on such ballot the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the public water system no fluorides shall be introduced into the public water system for said town. If fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the town shall by majority vote approve of the use of fluorides.

Further amend the bill by striking out all of section 2 of the bill and inserting in place thereof the following: 2 *Cities*. Amend RSA 44 by inserting after section 15 the following new section: 44:16 *Public Water Supplies*. Upon the written application of 5% of the voters in any city, presented to the city clerk prior to the municipal election, the city clerk shall insert on the ballot to be used at said election the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall be printed the word "yes" and the word "no" with proper boxes for the voter to indicate his choice. If a majority of the voters at said election do not approve the use of fluorides in the public water system for said city no fluorides shall be introduced into the public water system. If fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the city shall by majority vote approve of the use of such fluorides.

Further amend the bill by inserting after section 2 thereof the following new section: 2a *Village Districts*. Amend RSA 52 by inserting after section 22 thereof the following new section: 23 *Public Water Supplies*. Upon the written application of 5% or 300 or more of the voters in any village

water district, presented to the commissioners or one of them at least fifteen days before the day prescribed for an annual meeting of the district, the commissioners shall insert in their warrant for such meeting an article relative to the use of fluorides in the water system of said district and the district clerk shall prepare a ballot for said meeting with the following question: "Shall permission be granted to introduce fluorides into the district water system?" Beside the question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the district water system no fluorides shall be introduced into the district water system, or if fluorides have prior to said vote been so introduced, such use shall be discontinued until such time as the voters of the district shall by majority vote approve of the use of fluorides.

Mr. Coutermarsh of Lebanon moved that the House non-concur in the amendments sent down by the Senate and that a Committee of Conference be appointed and spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

The Chair appointed the following members as conferees on the part of the House: Mr. Claflin of Wolfeboro, Mrs. Roulston of Salem, Mr. Coutermarsh of Lebanon.

Introduction of a Bill

By Committee on Rules (Mr. Green of Manchester), House Bill No. 521, An Act relative to the library building at the University of New Hampshire, was introduced, read a first and second time and referred to the Committee on Appropriations.

On motion of Mr. Bell of Plymouth the rules of the House were so far suspended as to dispense with the printing of House Bill No. 521.

The Clerk read the bill in full.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of

which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

Amend House Bill No. 187 by striking out all after the enacting clause and inserting in place thereof the following:

1 *Registration.* Amend RSA 260 by inserting after section 27 the following new section: 260:27-a *Foreign Cars.* The phrase "maker's list price" as used in section 27, in the case of motor vehicles of foreign manufacture, shall mean the advertised port of entry retail list price, less the manufacturer's motor vehicle excise tax imposed by the United States if said motor vehicle excise tax is included in the advertised port of entry retail list price, at New York, New York, regardless of the actual port through which said motor vehicle entered the United States.

2 *Effective Date.* This act shall take effect as of April 1, 1960.

Mr. Newell of Concord moved that the House non-concur in the amendments sent down by the Senate and that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed the following members as conferees on the part of the House: Mr. McMeekin of Haverhill, Mrs. Prescott of Brentwood, Mr. Burke of Manchester.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age, stamps for licenses, and accounting by agents.

Amend section 2 of said bill by striking out the first two lines and inserting in place thereof the following:

2 *Stamps.* Amend RSA 214:8 (supp) as amended by 1955, 277:2 by striking out said section and inserting in place thereof the following: 214:8 *Form.* The director shall prepare books

Further amend said section 2 by striking out the last two lines and inserting in place thereof the following:

The requirements of this section for a stamp do not apply to licenses issued to a resident of this state who is seventy years of age or over, to licenses issued to aged persons as defined in RSA 214:6, or to licenses issued to nonresidents to hunt.

On motion of Mr. Cheney of Concord the House concurred in the engrossed bills amendment sent down by the Senate.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 412, An Act relative to reimbursement of general funds for expenditures of the fish and game department.

House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age, stamps for licenses, and accounting by agents.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 348, An Act establishing a department of commerce.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bill:

House Bill No. 513, An Act making temporary appropriation for the expenses and encumbrances of the state of New Hampshire.

Report of Special Committee

Report of Committee appointed by the Speaker to investigate the purchase and distribution of gasoline for the state including the reasons for issuance of more credit cards than state owned vehicles. The following is a summary of

our findings. The full report will be published as soon as it can be typed.

1. The state is under contract arrived at by competitive bidding with Socony Mobil Oil Co. for gasoline at wholesale delivered into our tanks anywhere in the state at 4.83 cents per gallon discount from the contractors posted commercial tank wagon price. We may also purchase gasoline at any of 199 gas stations scattered throughout the state at two cents per gallon discount. The State Highway sells gasoline at their garages in Littleton, Center Ossipee and Concord for 23c per gallon which includes state tax but not federal tax. This allows them sufficient mark-up above the cost to pay for the handling, and the various departments have nearly 37 other tanks situated throughout the state.

2. Therefore, we must use this price of 23c per gallon as the cost of gas to the various departments when comparing wholesale versus retail purchases. The retail price of gas varies from place to place and time to time. At the present time the state can buy gasoline from service stations at prices ranging from 23.9c per gallon to 27c per gallon. (These figures do not include federal tax but do include state tax.) The possible saving, therefore, which can be made by purchasing gas at one of the state highway garages versus retail gas stations varies between *.9c per gallon and 4c per gallon*. How much can be saved, therefore, by patronizing state highway garages must be left to the discretion of the various departments and the individual drivers, and varies from time to time and place to place. It is impossible to say how much can be saved or how much is saved, because it will never be known whether or not the visible savings on gasoline will be offset by the extra cost in time and vehicle. It is wise to stress economy in purchase of gasoline but caution should be observed not to waste time in order to show a saving in gas cost.

3 We have examined the credit card situation and find the excess cards properly accounted for. The cards are issued to the various departments according to their probable needs, and the excess cards are held by the department heads under proper custody. We find no indication of malfeasance in connection with credit cards.

We believe that control of distribution of gas at the various state-owned tanks is not as carefully managed as it should be and that there is, therefore, opportunity for misappropriation of gas and shrinkage and shortages which could easily cost more than the state could possibly save, and certainly *present* a temptation far beyond that at a retail gas station which would require collusion between the purchaser and attendant. This system should be made as near theft-proof as possible before any further expansion of bulk tanks takes place.

In conclusion we would say that it is quite possible to save money by further use of state-owned tanks, but great care should be taken against wrongful distribution. As a result of this investigation, steps have already been taken by the Highway Department for better control, and further action should be taken.

We wish to thank the various department heads for their cooperation in this investigation.

For the Committee: John H. Terry, Jr., Robert Gallo-way, Phil Willey, John Kearns and Laurence Pickett.

The Chair announced that today is the birthday of Mr. Haskins of Lyme.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only and third reading of House Joint Resolution by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House bill and House joint resolution were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 414, An Act continuing the work of the economic growth survey committee.

House Joint Resolution No. 23, Joint Resolution relative to camping facilities at Bear Brook state park.

The following Senate bills were severally read a third time, passed, and sent to the Secretary of State to be engrossed:

Senate Bill No. 83, An Act relating to the improvement of Rye Harbor.

Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs.

At the request of Mrs. Goodwin of Hollis, Mr. Underhill of Nashua explained Senate Bill No. 133.

(discussion ensued)

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

On motion of Mr. Bradley of Hanover the House adjourned at 4:46 o'clock.

TUESDAY, SEPTEMBER 1, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Almighty God, we pause a brief moment in the midst of this day's demands and labors to acknowledge our dependence on Thee, to make our thanksgiving to Thee for health and wholeness, and to seek those inner resources of spiritual strength with which Thou hast endowed each of Thy children. Let cloudy visions of indirection break clear before the sight of men and women moving in the direction of high purposes. Show us how beyond our problems, obstacles and frustrations there is power to solve the most complex human riddle. Set us anew in closer companionship with Thee, that we may know that our very endeavor to implement Thy Will conveys within itself life's richest blessing. Amen.

Pledge of Allegiance to the Flag

Mr. Bouvier of Swanzey led the Convention in the Pledge of Allegiance to the Flag.

Introduction of Guests

The Chair introduced the following as guests of the House today:

Mrs. Dora Smith of Roanoke Rapids, North Carolina, courtesy of Miss Whipple of Lebanon.

Mr. and Mrs. Morey Holley and daughter, Maureen and Mrs. Fred Herring of Camillus, N. Y., courtesy of Mr. Bissonnette of Nashua.

Leaves of Absence

Messrs. Thibault of Nashua and Burleigh of Northfield were granted leaves of absence for the week on account of important business.

Mrs. Chase of Concord was granted leave of absence for the day on account of illness.

Mrs. Ayer of Laconia was granted leave of absence for the week on account of important business.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Committee Reports

Mr. McMeekin of Haverhill, for the Committee on Rules to whom was referred House Resolution, A Resolution relative to State Trooper Robert W. Dearborn, having considered the same, reported the same with the recommendation that the Resolution ought to pass.

Whereas, State Trooper Robert W. Dearborn has, without fault on his part, suffered personal injuries in an accident arising out of and in the course of his employment for the state, and

Whereas, the said Dearborn has exhausted his sick leave benefits, and

Whereas, it appears that the said Dearborn will require extensive hospital and medical care, as well as a long period of recuperation, and

Whereas, the benefits afforded him under the Workmen's Compensation Law may be inadequate, now therefore be it

Resolved, That the Speaker appoint a committee consisting of three members to examine and investigate into the propriety and adequacy of the benefits afforded under the Workmen's Compensation Law with respect to this employee injured in line of duty, and to make its report of such examination and investigation to this session of the general court, and as soon as practicable. The special committee may call upon and shall be provided the assistance of, any agency of the state in making its said examination and investigation.

The Clerk read the resolution in full.

On a *viva voce* vote the resolution was adopted.

Persuant to the above resolution the Chair appointed the following members as a committee: Messrs. McMeekin of Haverhill, Green and King of Manchester.

Reconsideration

Mr. Deans of Milford served notice that today, or some subsequent day, he would move that the House reconsider its vote whereby it passed Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs.

Reports of Standing Committees

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred House Bill No. 309, An Act relating to the use of facsimile signatures in the drawing of checks by the treasurers of school districts, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to powers of the superior court on immunity of witnesses.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Application of Statutes*. Amend section 1 of chapter 312 of the Laws of 1955 by inserting after the figure "1955" in the fourth line the words, or as provided in RSA 588, so that said section as amended shall read as follows: 1 *Privilege Against Self-Incrimination*. No witness summoned by

the attorney general in the course of the investigation of subversive activities as provided in chapter 307 of the Laws of 1953 as amended by chapter 197, Laws of 1955, or as provided in RSA 588, shall be excused from giving his testimony or producing documentary evidence upon the ground that such testimony or documentary evidence could tend to incriminate him provided that upon claim of privilege against self-incrimination, on relation of the attorney general, any justice of the superior court has adjudged the testimony of such witness or the production of such evidence to be necessary in the public interest confirmed by such justice in a written communication to the witness which shall be made a part of the record of the hearing, case or proceeding in which such testimony or evidence is given. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise and no testimony so given by him shall in any prosecution be used as evidence, either directly or indirectly, against him or shall be thereafter be prosecuted for any offense so disclosed by him.

2 Takes Effect. This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Carr of Epsom, for the Committee on Public Works, to whom was referred House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the word "five" in the third line and inserting in place thereof the word, three, so that said section as amended shall read as follows:

1 Sandwich Notch and Dale Road. Amend section 2 of chapter 54, Laws of 1955 by striking out said section and inserting in place thereof the following: *2 Maintenance.* A sum not exceeding three hundred dollars per mile shall be annually expended by the state for the maintenance of Sandwich Notch and Dale road in the towns of Sandwich and Thornton provided that the towns of Sandwich and Thornton shall

each expend the sum of one hundred dollars in their own town for each mile of said road in respective town. The sums provided herein shall be expended under the direction of the commissioner of public works and highways and the appropriation hereunder to be expended by the state shall be a charge on the highway funds.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to the Committee on Appropriations under the rules.

Mr. Robinson of Concord, for the Committee on Public Works, to whom was referred House Bill No. 512, An Act relative to a bridge in Woodstock, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mrs. Davis of Woodstock moved that the words "Ought to Pass" be submitted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Galloway of Walpole spoke against the motion.

(discussion ensued)

Mr. Fortier of Berlin spoke against the motion.

Mr. Bradley of Thornton spoke in favor of the motion.

(discussion ensued)

Mr. Willey of Campton spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Terry of Westmoreland offered the following amendment:

Amend said bill by adding after the words, bridge in Woodstock, the words, and the bridge on Route 63 in Westmoreland.

The Clerk read the amendment in full.

The Chair ruled that the amendment was not in order as subject matter had previously been voted down by the House.

Mr. Terry of Westmoreland withdrew his amendment.

The Chair declared a one minute recess.

After Recess

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to place House Bill No. 512 on third reading and final passage at the present time by title only.

Mr. Galloway of Walpole spoke in favor of the motion.

Mr. Wirkkala of Lempster spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 512, An Act relative to a bridge in Woodstock, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred House Bill No. 380, An Act relative to dealers in used motor vehicles, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Transportation, to whom was referred House Bill No. 380, An Act relative to dealers in used motor vehicles, having considered the same, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 *New Sub-Division.* Amend RSA 260 (supp) by inserting after section 82 as inserted by 1957, 316:1 the following new sub-division:

Dealers in used Motor Vehicles

260:83 *Dealers.* No dealer in used motor vehicles shall sell any motor vehicle until and unless the same has been inspected as hereinafter provided and found to be in safe condition for operation.

260:84 *Record of Inspection.* At the completion of said inspection there shall be attached to the bill of sale of said motor vehicle a work sheet showing the work done on the vehicle. This work sheet shall be signed by the mechanic and proprietor or his authorized agent. The record shall show replacement of parts, new or rebuilt, and repairs to and inspection of chassis, tires, king pins, red ends, steering mechanism, brake linings, brake drums, master wheel cylinders, glass, mufflers and lights, and for vehicles having air brakes shall also show inspection of brake diaphragm, air lines, air governor, air safety valves and air tubes. The speedometer shall show actual mileage.

260:85 *Penalty.* Any dealer who shall violate any provisions of this subdivision or who shall fail to attach to the bill of sale the work sheet required by 260:84 shall be fined not more than two hundred and fifty dollars.

Further amend said bill by inserting after section 1 the following new section:

2 *Used Car Inspections.* Amend RSA 260 by inserting after section 14 the following new sections: 260:14-a *Inspection Required.* Upon the sale or exchange of any registered "motor vehicle, trailer or semi-trailer," the approved inspection sticker displayed according to law shall immediately become null and void and shall be removed and permanently destroyed by the seller.

260:14-b *Exception.* This section shall not apply to any motor vehicle, trailer or semi-trailer owned as such under a registered dealer who has completed inspection requirements on the vehicle, trailer or semi-trailer being offered for sale.

Further amend said bill by renumbering section 2 to read section 3.

GERARD J. BELANGER,
ISRAEL H. VADNEY,
ISAAC H. SANBORN,
HERMAN A. RANDALL,
ERNEST R. COUTERMARSH,
A Minority of the Committee.

The Clerk read the amendment in full.

Mr. Belanger of Manchester moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Bradbury of Claremont spoke in favor of the motion.

Mr. Terry of Westmoreland spoke against the motion.

(discussion ensued)

Mr. Diffenderfer of Ossipee spoke in favor of the motion.

(discussion ensued)

Mr. Coutermarsh of Lebanon spoke in favor of the motion.

Mr. Nickerson of Goffstown spoke against the motion.

(discussion ensued)

Mr. Belanger of Manchester spoke a second time in favor of the motion.

Mr. Terry of Westmoreland spoke a second time against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Belanger of Manchester demanded the Yeas and Nays but subsequently withdrew his demand, and requested a division.

A division being had and 110 members having voted in the affirmative and 188 members having voted in the negative, the motion to substitute did not prevail.

The question now being on the resolution of the majority of the committee.

On a *viva voce* vote the motion prevailed.

Mr. Belanger of Manchester requested a division.

A division being had and 187 members having voted in the affirmative and 80 members having voted in the negative the resolution of the committee was adopted.

Mr. Terry of Westmoreland, for the Committee on Transportation, to whom was referred House Bill No. 476, An Act relative to the issuance of licenses for the operation of motor scooters, having considered the same, reported the same with the following resolution:

Resolved, That it be referred to the next legislature.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

On a *viva voce* vote the motion was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959 in the town of Enfield, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

On a *viva voce* vote the motion was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Point of Personal Privilege

Mr. Pickett of Keene rose on a point of personal privilege.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for the fish and game department.

Resolutions

Mr. Peever of Salem offered the following resolutions:

Whereas, Mrs. Anna B. Willis, former Representative from Salem, has passed away, and

Whereas, she was the wife of Howard S. Willis, now a Representative from Salem, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, pay tribute to her services, to her town and state, and extend our sympathy to our fellow member in his bereavement, and be it further

Resolved, That the Speaker appoint a delegation to attend the funeral services, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Representative Willis.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair appointed the following members as a committee to attend the funeral of Mrs. Willis:

Mr. Peever of Salem, Mrs. Roulston of Salem.

Mr. Clark of Derry, Miss Spollett of Hampstead.

Mrs. Palmer of Plaistow and Mr. Green of Manchester

Mr. Reid of Milton offered the following resolutions:

Whereas, we have learned with regret of the death of Lyman Plummer of Milton, and

Whereas, he was a former Representative from Milton, and at the time of his death a law enforcement officer for the Motor Vehicle Department, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, pay tribute to his services to his town, county and state, and extend our deep sympathy to his family in its bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to his widow, Mrs. Plummer.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Carpenter of Henniker offered the following Resolutions:

Whereas, Mrs. Lizzie Merrill of Henniker is enjoying the happiness of observing her 100th birthday anniversary, with four living daughters, 12 grandchildren, 25 great-grandchildren and 17 great-great-grandchildren, and

Whereas, Mrs. Merrill, native of Somersworth and one-time Keene resident, continues to have zest for living, enjoys reading, and a neighborly spirit, be it resolved, that

"The New Hampshire House of Representatives extends its greetings and felicitations to Mrs. Lizzie Merrill, with a wish she may continue to have fair health for years to come."

On a *viva voce* vote the resolutions were unanimously adopted.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 512 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Point of Personal Privilege

Mr. Geisel of Manchester rose on a point of personal privilege.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 309, An Act relative to powers of the superior court on immunity of witnesses.

House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959 in the town of Enfield.

House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting.

On motion of Miss Loizeaux of Plymouth the House adjourned at 1:14 o'clock.

WEDNESDAY, SEPTEMBER 2, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Come Thou to us, O God, and lift us above the behavior of hypochondriacs, pessimists and those who within themselves are essentially distraught. Help us to put aside whining and disgruntled words, as we encounter the duties and unforeseen involvements of each day. Turn our sight to the beauty of our New Hampshire mountains and valleys, our lakes and seashore, and cause us to rejoice that we live amid such beauty. Recall within our thoughts memories of joy and associations of abiding friendship. Then, we pray, turn us again to our work, this time ready to do what can be accomplished, mindful that Thou art our Shepherd and in Thee do we trust.

Amen.

Pledge of Allegiance to the Flag

Mrs. Dondero of Portsmouth led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced a former member of the House, Gordon F. Tiffany, who addressed the House briefly.

The Chair also introduced Mr. and Mrs. Dennis J. Carey of Tulsa, Oklahoma, courtesy of Mrs. Dondero of Portsmouth.

Leave of Absence

Mr. Pinkham of Northwood was granted leave of absence for the day on account of important business.

Introduction of Bills

The following Joint Resolution No. 58, Joint Resolution relative to dedication ceremonies in connection with the Hopkinton-Everett Flood Control Project, was introduced, read a first and second time and referred to the Committee on Appropriations.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to dispense with the printing, committee reference and that House Joint Resolution No. 58 be placed on third reading and final passage by title only at the present time.

The Clerk read the Joint Resolution in full.

Joint Resolution

relative to dedication ceremonies in connection with the Hopkinton-Everett Flood Control Project.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of three thousand dollars is hereby appropriated to be expended by the Planning and Development Commission in cooperation with the ground breaking committee for the dedication ceremonies of the Hopkinton-Everett Flood Control Project to be held at Hopkinton on October 3, 1959. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Mr. Pillsbury of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

Joint Resolution No. 58, Joint Resolution relative to dedication ceremonies in connection with the Hopkinton-Everett Flood Control Project, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Deans of Milford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Deans of Milford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 519, An Act ratifying certain action taken by the Carroll County convention, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Reports of Standing Committees

Mrs. Phillips of Claremont, for the Committee on Municipal and County Government, to whom was referred House Bill No. 517, An Act legalizing the meetings of the Madbury Water District, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Deans of Milford explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate Message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 106, An Act changing the fiscal year of school districts.

Introduction of a Senate Bill

Senate Bill No. 106, An Act changing the fiscal year of school districts, was introduced, read a first and second time and referred to the Committee on Education.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Matching Funds.* Amend 1957, 319:1, by striking out said section and inserting in place thereof the following new section: 319:1 *Airport Aid and Development Program.* The sum of three hundred thousand dollars is hereby appropriated to be expended as needed by the aeronautics commission (1) for the purpose of equal matching of town or city funds for the development of airports with federal aid under the federal aid airport program at airports which regularly accommodate common carriers of passengers for hire by aircraft on a regular schedule or (2) for equal matching of town or city funds on state/local projects and for equal matching of federal funds on state/federal projects, for the development of airports, as defined under the Federal Aid Program, by state contributions not in excess of twenty-five thousand dollars. For the purposes hereof the words town or city shall be held to mean and include a legally constituted airport authority. Of the sum hereby appropriated, fifteen thousand dollars may be used as needed for consultant and engineering services without being required to be matched by town or federal funds.

2 *Fee Imposed.* Amend RSA 422 by adding at the end thereof the following new sections: 422:43 *Service Fee on Carriers.* Every person, firm or corporation engaged in this state, whether in interstate or intrastate operations, in the business of common carrier of passengers for hire by aircraft on a regular schedule, hereinafter in this section referred to as a passenger carrier by aircraft, who uses in connection with such business a public landing area which, subsequent to October 1, 1959, shall be constructed, operated or maintained, in whole or in part, through or with funds contributed by the state, under the authority of 1957, 319:1, as hereinabove amended, shall pay a service charge of one dollar with respect to each passenger emplaning upon its aircraft at any such landing area. Each passenger carrier by aircraft subject to the provisions of this section shall file with the commission, upon a form prescribed by the commission, on or before the fifteenth day of each month, a return showing the number of passengers for hire emplaning upon the aircraft of such passenger carrier by aircraft at each such landing area during the preceding calendar month, together with such other pertinent information as the commission shall require, and shall remit with the return the service fees imposed hereby. Upon audit of the return the commission shall forward the service fees to the state treasurer who shall cover the same into the aeronautical fund established by RSA 422:42. Nothing herein shall prevent a passenger carrier by aircraft from collecting, directly or indirectly, the service fee payable with respect to each passenger from such passenger. The service fee herein provided for shall be due and payable, with respect to any landing area from and after the date of the first receipt of funds from the state for the construction, operation or maintenance of any such public landing area. If any person, firm or corporation subject to the provisions of this section shall fail or neglect to pay the fees imposed thereby, the same may be collected by the attorney general through civil proceedings in any appropriate tribunal.

422:44 *Carriers under Contract or By Charter.* Every person, firm or corporation, engaged in this state, whether in interstate or intrastate operations, in the carriage of passengers by aircraft for hire on a contract or charter basis, hereinafter in this section referred to as a passenger carrier by aircraft under contract, who uses in connection with such busi-

ness a public landing area or areas which, subsequent to October 1, 1959, shall be constructed, operated or maintained, in whole or in part, through or with funds contributed by the state, under the authority of 1957, 319:1 as hereinabove amended, shall pay a service fee of one dollar with respect to each passenger emplaning upon its aircraft at any such landing area. Each passenger carrier by aircraft under contract subject to the provisions of this section shall file with the commission, upon a form prescribed by the commission, on or before the fifteenth day of each month, a return showing the number of passengers for hire emplaning upon the aircraft of such passenger carrier by aircraft under contract at each such landing area during the preceding calendar month, together with such other pertinent information as the commission shall require, and shall remit with the return the service fees imposed hereby. Upon audit of the return the commission shall forward the service fees to the state treasurer who shall cover the same into the aeronautical fund established by RSA 422:42. Nothing herein shall prevent a passenger carrier by aircraft under contract from collecting, directly or indirectly, the service fee payable with respect to each passenger from such passenger. The service fee herein provided for shall be due and payable, with respect to any landing area, from and after the date of the first receipt of funds from the state for the construction, operation or maintenance of any such public area. If any person, firm or corporation subject to the provisions of this section shall fail or neglect to pay the fees imposed thereby, the same may be collected by the attorney general through civil proceedings in any appropriate tribunal.

3 *Takes Effect.* This act shall take effect as of October 1, 1959.

Mr. McCullough of Keene moved that the House concur in the Senate amendment.

At the request of Mr. Varney of Rochester, Mr. McCullough of Keene explained the amendment.

(discussion ensued)

(Mr. Crosby of Hillsborough in the Chair)

Mr. Pickett of Keene spoke in favor of the amendment and motion to concur.

(Speaker in the Chair)

(discussion ensued)

Mr. Green of Manchester spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion

(discussion ensued)

Mr. Coutermarsh of Lebanon spoke in favor of the motion.

Mr. Monahan of Hanover spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke against the motion.

Miss Whipple of Lebanon spoke in favor of the motion.

Mr. Pickett of Keene spoke a second time in favor of the motion.

(discussion ensued)

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

The question now being on the motion of Mr. McCullough of Keene that the House concur in the amendment sent down by the Senate.

On a *viva voce* vote the motion was adopted.

Reconsideration

Mr. Deans of Milford moved that the House reconsider its vote whereby it passed Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs, and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 130, An Act increasing the rate for minimum wages.

Amend section 1 of the bill by adding after the word "hospital" in line 10 the word, orphanages, so that said section as amended shall read as follows:

1 *Increase in Rate.* Amend RSA 279:21 (supp) as amended by 1955, 288:1 and 1957, 311:1, by striking out the words "eighty-five cents" in the second line and inserting in place thereof the words, one dollar, so that said section as amended shall read as follows: 279:21 *Minimum Hourly Rate.* No person, firm, or corporation shall employ any employee at a rate of less than one dollar per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins; and provided this limitation shall not apply to employees engaged as newsboys or golf caddies, and this limitation shall not apply to employees of hospitals, orphanages or homes for the aged organized as non-profit corporations except as hereinafter provided. Further provided that no non-profit hospital corporation or non-profit home for the aged shall employ a laundry employee or nurse aide or practical nurse at a rate of less than eighty cents per hour, and no person, firm or corporation shall employ any employee as usher at a theatre or pin boy at a bowling alley, at a rate of less than seventy-five cents per hour.

Amend section 2 by striking out the words "may be paid not less than 75 cents per hour upon application to an authorization from the Commissioner of Labor" in lines six and seven thereof and inserting in place thereof the following, or any person 18 years of age or under may be paid not less than 80 cents per hour provided notice is filed by the employer with the Commissioner of Labor, and by striking out the word "authorization" in line 4 thereof and inserting in place thereof the word, notice, so that said section as amended shall read as follows:

2 *Limitations.* Amend RSA 279:22 (supp) as amended by 1955, 288:1 and 1957, 311:2, by striking out the words "or a person who is nineteen years of age or under or who is sixty-five years of age or over" so that said section as amended shall read as follows: 279:22 *Special Notice in Certain Cases.* A person with less than six months' experience in an occupation, or a person whose earning capacity is impaired by age or physical or mental deficiency, or any person eighteen years of age or under may be paid not less than eighty cents per hour provided notice is filed by the employer with the Commissioner of Labor.

Mr. Angus of Claremont moved that the House non-concur in the Senate amendment and that a committee of conference be appointed.

At the request of Mr. Crosby of Hillsborough, Mr. Angus of Claremont explained his reason for the motion to non-concur.

On a *viva voce* vote the motion to non-concur was adopted and the Chair appointed the following members as conferees on the part of the House: Messrs. Angus of Claremont, Hancock of Concord and Lacasse of Berlin.

The Senate Message announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 207, An Act relating to the operation of motor busses.

Amend section 1 of said bill by striking out the first fifteen lines and inserting in place thereof the following:

1 *Operation of Motor Busses.* Amend RSA 263:65 (supp) as amended by 1957, 191:1 and 1959, 92:1 by striking out said section and inserting in place thereof the following:
263:65 *Width*

On motion of Mr. Terry of Westmoreland the House concurred in the Engrossed Bills Committee amendment.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of an amendment to the following entitled bill:

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook state park.

The Senate message further announced that the Senate has voted to accede to the request of the House of Representatives for a Committee of Conference on the following entitled bill:

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

The President appointed as members of said committee on the part of the Senate, Senators Karkavelas and Lamontagne.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 312, An Act relative to technical institutes.

House Bill No. 431, An Act relative to investments of common trust funds.

House Bill No. 495, An Act relative to funds for the payment of workmen's compensation to state employees.

House Bill No. 409, An Act relative to reports of income by certain county and municipal officers.

House Bill No. 500, An Act relative to an interstate school district between Hanover, New Hampshire, and Norwich, Vermont.

House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry and Mr. Lacasse of Berlin for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

House Bill No. 500, An Act relative to an interstate school district between Hanover, New Hampshire and Norwich, Vermont.

House Bill No. 312, An Act relative to technical institutes.

House Bill No. 409, An Act relative to reports of income by certain county and municipal officers.

House Bill No. 431, An Act relative to investments of common trust funds.

House Bill No. 486, An Act relating to fish and game licenses for residents over seventy years of age, stamps for licenses and accounting by agents.

House Bill No. 495, An Act relative to funds for the payment of workmen's compensation to state employees.

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook State Park.

Resolutions

Mr. O'Shan of Laconia offered the following resolutions:

Whereas, Joshua H. Gordon, Representative from Sandown, is ill at home, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Gordon a copy of these Resolutions.

On a *viva voce* vote the resolutions were adopted.

Announcements

The Chair announced that today is the 75th birthday of Mr. Porter of Lebanon.

The Chair also announced that yesterday was the birthday of Mr. Shepard of Londonderry.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it concurred in the Senate amendment on House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air, and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 517, An Act legalizing the meetings of the Madbury Water District.

House Bill No. 519, An Act ratifying certain action taken by the Carroll County Convention.

On motion of Mrs. Davis of Woodstock the House adjourned at 12:35 o'clock.

THURSDAY, SEPTEMBER 3, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O God, we remember in this Legislature, on this our last meeting before Labor Day, the dignity and inestimable value of honest labor. We give Thee thanks that Thou hast made us dependent on one another, that employee and employer, labor and management, all hold in their decisions and relationships the welfare of our people. We pray that organized labor and management in our country and particularly in our state may find the means to bring on themselves a yet deeper confidence from our citizenry, that wherever men and women labor, in home or shop, in office or in this house of state, they may feel themselves a part of a dedicated, well-purposed, hard-working citizenry. Amen.

Pledge of Allegiance to the Flag

Mrs. Berry of Barrington led the Convention in the Pledge of Allegiance to the Flag.

Memorial Service for Departed Members

A memorial candle service for the following departed members was held under the direction of our Chaplain, Reverend George J. W. Pennington:

*Patrick J. Winston	Manchester
*Harold B. Haggett	Belmont
Walter P. Tenney	Chester
Harold L. Jones	Fremont
Henry I. Burbank	Laconia
Lewis A. Nelson	Hopkinton

* Members of 1957 Legislature, elected to 1959 Legislature but passed away before being sworn in.

On motion of Senator Lamontagne of District No. 1 the Convention rose.

House

Leaves of Absence

Mrs. Brown of Sandwich and Mr. Mulaire of Hooksett were granted leaves of absence for the day on account of important business.

Mrs. Blanchette of Dover and Mr. Twombly of Nashua were granted leaves of absence for the day on account of illness.

Supreme Court Opinion

To the House of Representatives:

The undersigned Justices of the Supreme Court submit the following answers to the inquiries contained in your resolution with reference to House Bill No. 489 (in new draft and new title) which as proposed to be amended is entitled "An Act authorizing the establishment of a branch bank in Penacook." Your inquiries and our answers are confined to the proposed amendments which appear in the Journal of the House for August 26, 1959, and which are included as an appendix to this opinion.

In broad outline the preamble of the amended bill recites that the authorization of the establishment of a branch bank in the village of Penacook will result in increasing the liquidating assets by \$150,000, thus minimizing the loss to depositors. Section 1, entitled "Declaration of Purpose" recites the previous attempts to reorganize the Valley Trust Company of Penacook which was closed on June 24, 1958, and declares that this is a special emergency requiring special emergency legislation for the depositors and people residing in Penacook.

Section 2 authorizes any trust company, mutual savings bank, or guaranty savings bank "now or hereafter organized and existing under the laws of the state of New Hampshire . . ." and authorized to engage in the banking business within the city of Concord to apply under RSA ch. 392 to operate a single branch bank in Penacook. This section further provides that it does not limit or restrict any national bank doing business in Concord from establishing a branch in Penacook, in conformity with the laws of the United States governing national banks.

Section 3 provides that nothing in this amended act is to authorize the operation of branch banks in this state "except as expressly provided in section 2." Section 4 provides the amended bill shall take effect upon its passage.

Your first inquiry is whether any provision of the amended act violates the Constitution of this state. The answer is no.

There are several reasons which support this conclusion. First, there is no specific constitutional prohibition in the New Hampshire Constitution against special or local legislation to fulfill a particular local need. 2 Sutherland, *Statutory Construction*, s. 2101. As was said in *State v. Griffin*, 69 N. H. 1, 32, the "legislature may constitutionally pass a general law in relation to a particular place." Again in *Canaan v. District*, 74 N. H. 517, 547, it was stated that "no clause in the constitution prohibiting legislation applicable to a particular place or subject is pointed out." See also, Binney, *Restrictions Upon Local and Special Legislation in State Constitutions*, chapter 2.

Second, decisions in this state have long sustained the right of the Legislature to pass local legislation to alleviate local problems. *Scott v. Wilson*, 3 N. H. 321, 328; *Charter of Manchester*, 47 N. H. 277; *State v. Griffin*, 69 N. H. 1, 29. See also, *Shirley v. Commission*, 100 N. H. 294; *Salsburg v. State of Md.*, 346 U. S. 545.

Third, the history of banking legislation in New Hampshire shows that beginning at an early date and continuing for more than a century the Legislature has chartered or authorized banks and banking business on a local territorial basis. Illustrative of this history was the establishment of a bank at Portsmouth in 1792 (5 Laws of N. H. 833); the establishment of banks in Portsmouth and Exeter in 1803 (7 Laws of N. H. 154, 183) and in Concord and Amherst in 1806 (7 Laws of N. H. 203, 207, 517, 518, 521). These and subsequent legislative acts indicate that banks were authorized and chartered on a local and territorial basis. See 10 Laws of N. H. 126 (1830).

Fourth, previous attempts to reorganize or liquidate the Valley Trust Company in Penacook with a minimum loss to depositors indicates that the proposed amendment is bottomed on a specific local need which particularly justifies the enact-

ment of special local legislation. See *Opinion of the Justices*, 102 N. H. , 151, A. 2d (dated May 21, 1959); *Opinion of the Justices*, 102 N. H. , 152, A. 2d 876 (dated July 9, 1959); *Opinion of the Justices*, 102 N. H. , (No. 4767 dated July 9, 1959). Therefore, for the reasons mentioned above we conclude that the amended bill does not violate any provision of the New Hampshire Constitution.

Your second inquiry reads as follows: "If the answer to question No. 1 is in the negative would the answer still be in the negative if the preamble and section 1 of the proposed amendment were deleted?" Since to be of service an answer to your first question must be promptly returned before adjournment of the Legislature and may serve the present legislative purpose, we have deemed it wise not to delay this opinion in order to answer the second question as to which no briefs and memoranda have been filed. Accordingly, under these circumstances no answer is returned to question No. 2.

FRANK R. KENISON
LAURENCE I. DUNCAN
AMOS N. BLANDIN, JR.
EDWARD J. LAMPRON
STEPHEN M. WHEELER

September 2, 1959.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

Mr. Geisel of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Committee Report

Mr. Crosby of Hillsborough, for the Joint Committee on Judiciary and Banks, to whom was referred House Bill No. 489 (In New Draft and with New Title), An Act authorizing branch banking facilities under limited conditions, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act authorizing the establishment of a branch bank in Penacook.

Amend the bill by striking out all after the title and inserting in place thereof the following:

Whereas, the Governor's committee on The Valley Trust Company has reasonable cause to believe that if legislation is enacted authorizing the establishment of a branch bank in the village of Penacook, the bank commissioner, in liquidating the affairs of The Valley Trust Company, will realize from a sale of its assets one hundred and fifty thousand dollars in excess of the amount he would otherwise be able to realize therefrom, thus minimizing the loss to depositors.

Now, Therefore, Be It Enacted by the Senate and House of Representatives in General Court convened:

1 *Declaration of Purpose.* It is the limited purpose of this act to meet the emergency occasioned by the failure of all attempts to reorganize The Valley Trust Company of Penacook, New Hampshire which was closed on June 24, 1958 by order of the superior court in accordance with RSA 395. It is declared that the public convenience and necessity require the existence of banking facilities in Penacook to serve the needs of the citizens residing in that area of this state formerly served by The Valley Trust Company. It is further declared that the general court views the loss of banking facilities in Penacook and the consequent hardship imposed upon depositors and the people residing in Penacook and surrounding communities as a special emergency requiring this special emergency legislation.

2 *Branch Authorized.* Any trust company, mutual savings bank or guaranty savings bank now or hereafter organized and existing under the laws of the state of New Hampshire and authorized to engage in the business of banking within the city of Concord may apply to the board of incorporation of trust companies established by RSA 392 for permission to establish and operate a single branch in ward 1 of the city of Concord in the village of Penacook. Upon receipt of such application the board shall proceed in the manner prescribed in RSA 392:6-7-8, and decide whether or not the public convenience and advantage would be promoted by the establishment of such branch bank. If the decision is in the affirmative the board shall issue a certificate to such banking corporation

authorizing the establishment and operation of such branch. Nothing herein shall limit or restrict any national bank existing and authorized to do business in Concord from establishing a branch in Penacook in conformity with the laws of the United States governing national banks.

3 *Limitation.* Nothing in this act shall be construed as conferring upon any banking corporation, whether organized and existing under the laws of this state or of the United States, authority to establish and operate a branch within this state except as expressly provided in section 2.

4 *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit House Bill No. 489 to be placed on third reading and final passage by title only at the present time and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Crosby of Hillsborough, having voted with the majority, moved that the House reconsider its vote whereby it passed House Bill No. 489, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Reports of Standing Committees

Mr. King of Manchester, for the Committee on Appropriations to whom was referred House Bill No. 406, An Act providing for reprinting volume 2 of the Revised Statutes Annotated, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out said title and inserting in place thereof the following:

An Act providing for the publication of the commercial code as a part of the Revised Statutes Annotated.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Commercial Code.* The secretary of state is authorized and directed to contract for the publication of the act passed at this session entitled "An Act entitled the Uniform Commercial Code" as a part of the Revised Statutes Annotated. This act shall be published as volume 3-A of the RSA, with annotations.

2 *Appropriation.* For the purpose of providing funds for the publication authorized by section 1 there is hereby appropriated the sum of twenty thousand dollars. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 *Distribution Authorized.* The secretary of state is hereby authorized to distribute official bound copies of volume 3-A of the Revised Statutes Annotated free of charge in the following manner: One copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the state reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of volume 3-A of the Revised Statutes Annotated, the secretary of state, the state treasurer, the comptroller and seven copies to the office of the attorney general.

4 *Distribution of Remaining Volumes.* Remaining copies of volume 3-A of the Revised Statutes Annotated, furnished to the secretary of state by the publisher, may be sold by the secretary of state at such price or prices as the governor and council may determine.

5 *Secretary of State.* The sum of fifteen thousand dollars is hereby appropriated to be expended by the secretary of state for the purpose of purchase of equipment and employment of additional personnel in order to prepare for the filings to be made with him on account of the enactment of the uniform commercial code. The governor is authorized to draw his warrants for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

6 *Takes Effect.* The provisions of section 5 shall take effect as of January 1, 1961. The remaining provisions of this act shall take effect upon its passage. And House Bill No. 406 was laid on the table for printing of the amendment.

Mr. King of Manchester moved that the rules of the House be so far suspended as to dispense with the printing of the amendment and explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Reconsideration

Mr. Hancock of Concord served notice that today, or some subsequent day, he would move that the House reconsider its vote whereby it passed House Joint Resolution No. 58, Joint Resolution relative to dedication ceremonies in connection with the Hopkinton-Everett Flood Control.

Reports

Mrs. Atwood of Sanbornton for the Committee on Appropriations to whom was referred House Bill No. 438, An Act providing for the acquisition of certain dams and water rights by the water resources board, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out sections 2 and 3.

Further amend said bill by striking out section 4, re-numbering the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

Mrs. Atwood of Sanbornton explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill in section 1 by striking out subsection II and inserting in place thereof the following:

II Department of education:

(a) Keene teachers college:	
Rewiring Huntress Hall	\$18,100.00
Acquisition of land,	
eighteen acres more or	
less, adjoining present	
athletic field	20,000.00
(b) Plymouth teachers college:	
Electrical entrance and	
feeders	5,500.00
(c) Manchester technical	
institute:	
Overhaul burner and repair	
refractory	1,500.00
(d) Portsmouth technical	
institute:	
Replace oil burner and	
retube boiler	3,500.00
Reconstruct roof over	
classroom	6,000.00
Reconstruct roof over	
elevator well	850.00
Total	
	<hr/> \$55,450.00

Amend said bill in section 1 by inserting after subsection "VIII. Public Works" the following new subsection:

IX State Prison:	
Replacement of barn	17,000.00

Further amend the bill in section 1 by changing the figures for "Total" as follows: 398,460.00 changed to 440,510.00

Amend said bill in section 5 by striking out the words and figures "three hundred ninety-eight thousand three hundred sixty dollars (\$398,360)" and inserting in place thereof the following words and figures, four hundred forty thousand five hundred ten dollars (\$440,510.00)

Amend said bill in section 9 by striking out the following words and figures "(1) not exceeding the sum of three hundred ninety-eight thousand three hundred sixty dollars" and inserting in place thereof the following words and figure (1) not exceeding the sum of four hundred forty thousand five hundred ten dollars.

Amend said bill by inserting after section 11 the following new section:

12 *Plymouth Teachers College.* Any balance of the sum appropriated by 1957, 293:3 for the men's dormitory at Plymouth Teachers College shall be available for expenditure by the state board of education for the purpose of the construction of parking areas and expenses in connection with the widening and improving of Highland Avenue in Plymouth adjacent to said men's dormitory. The sums hereby made available shall be used in connection with funds made available by the town in connection with widening and improving said Highland Avenue. Rental rates for the use of the dormitory at Plymouth Teachers College as provided by 1957, 293:13 shall be continued in order to amortize the extension of the purposes of the appropriation provided hereunder as well as to amortize the investment in said dormitory.

Further amend said bill by renumbering section 12 to read section 13.

Mr. Rowell of Newport moved that reading of the amendment be dispensed with.

Mr. McCullough of Keene explained the amendment.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred Senate Joint Resolution No. 7,

Joint Resolution to extend the appropriation for the committee on an investigation of gasoline and fuel oil prices, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the caption of said resolution by striking out the same and inserting in place thereof the following:

Joint Resolution to provide for the continuation of the investigation of gasoline and fuel oil prices in the state of New Hampshire.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a joint committee of seven members, none of whom shall be connected directly or indirectly with the gasoline or fuel oil industry, consisting of four members of the house of representatives to be appointed by the speaker and three members of the senate to be appointed by the president, be established to continue the investigation of gasoline and fuel oil prices in the state of New Hampshire initiated by chapter 353 of the Public Acts and Joint Resolutions of the legislature of 1957, and to make a report of its findings and recommendations to the 1961 session of the legislature.

That the committee have the same powers and duties as the committee authorized under said chapter.

That the remaining balance of funds appropriated under the authority of said chapter, shall be made available until July 1, 1961 for the general and necessary expenses of the committee in securing information and in preparing a report of its findings and recommendations.

On a *viva voce* vote the amendment was adopted and the resolution was referred to the Committee on Appropriations.

Mr. Terry of Westmoreland moved that the rules of the House be so far suspended as to allow the introduction of a special committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Terry of Westmoreland, for the Special Committee to whom was referred House Resolution to investigate electric roll-call equipment, having considered the same, reported the same with the following Resolution:

Resolved, That it be referred to the next legislature.

On a *viva voce* vote the resolution of the special committee was adopted.

Report of Committee To Investigate Electric Roll-Call Equipment

Our constitution requires that the Yeas and Nays shall be taken on any question upon the demand of any one legislator. This is a far reaching provision designed to put every legislator on record on all important questions. But this provision of the constitution is practically unworkable for it takes so long to poll the Yeas and Nays of our four hundred member house that the greater portion of every day would be spent in polling the house.

Without doubt electric voting would give this portion of the constitution renewed meaning for there would no longer be any justification for a voice vote where a polled vote would be desirable. In fact electric voting would, if used to its fullest extent, revolutionize the procedures of this house. To be sure nobody can guarantee that electric voting would save any money or even pay for itself, because the time saved would most probably be used for further debate. But like any labor saving device it would certainly enable us to do more in less time. So the question as to adoption of electric roll-call equipment is whether it would improve quality of legislation and enable us to do our work more efficiently.

The answer to this question, then, will be found in the following comments:

1. Electric voting will put every member on record every time that it is used.

2. By means of electric roll-call equipment the Yeas and Nays can be taken in thirty seconds and the vote of every member will be on display.

3. There will never be any question of a quorum when electric roll-call is used because the total vote is indicated immediately on the board for all to see.

4. Electric roll-call equipment includes a page call button so that any member can call a page at any time without leaving his seat. This will save much running around and confusion and is a time saver in itself.

5. There is no possibility of illegal voting, for the Yeas and Nays of each member are clearly posted on the board for all to see.

6. There is no possibility of confusion on the question under consideration for this also will appear on the board.

7. In our representatives hall the boards with the names of all of the members which show how each member votes would be placed between the windows on each side of the hall. All of the names will be on each of the boards where they will be clearly visible to the speaker and to every member of the house, the press and the gallery.

Therefore it would appear to this committee that the matter of recording the vote of each member is the most drastic innovation of the electric roll-call system. The value of this system will therefore depend entirely on how much it is used. Certainly no member of this house should vote for adoption of electric roll-call system unless he is willing to go on record on any and all questions.

What is the electric roll-call system and how much does it cost? In July a forty station demonstrator was brought here from Richmond, Virginia, and every member had an opportunity to see the whole equipment and see how it works and what it does. On January 18, 1957, the Legislative Research Council of Massachusetts published a twenty-four page report which gives full information on legislative electric roll-call systems. This report points out that the first electric roll-call machine was installed in Wisconsin in 1917 and that it is now used in twenty-seven states and, having adopted it, no state has ever discontinued its use. This equipment is furnished on a rental basis. The cost to us would be approximately \$50,000. for installation and first year's rental. Thereafter it would cost \$15,000 per year. This equipment would be installed by local labor under the supervision of the company. After that our \$15,000. pays for all maintenance and upkeep as long as we want it, and all reports indicate that the breakdowns are few and the service is excellent.

It is the opinion of this Committee that electric voting should be adopted and that it will be adopted sooner or later. A survey was made for our legislature in 1955 and this survey indicates that the time spent in this house on the thirty-two roll-calls of that session cost the state \$82,000. Electric voting could poll all of these thirty-two roll-calls and record them in

just sixteen minutes. But, as we have said before, our recommendation is not based on possible money saving, but on the probability of better legislation and more efficient legislation.

JOHN H. TERRY, JR.,
For the Committee.

Senate Messages

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following entitled House Joint Resolution, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord.

Amend the Resolution by adding at the end thereof the following new sentence: The sum herein appropriated shall be used for the purpose of providing a playground within the ward limits of Ward 7 in the City of Concord; so that said resolution as amended shall read as follows:

That the sum of three thousand dollars is hereby appropriated for the city of Concord to reimburse said city for the loss of the city playground located on Hall Street. This land was acquired by the state for the Everett Highway. The sum hereby appropriated shall be a charge upon the highway funds. The sum herein appropriated shall be used for the purpose of providing a playground within the ward limits of Ward 7 in the City of Concord.

Mr. Gove of Concord explained the amendment and moved that the House concur in the amendment sent down by the Senate.

On a *viva voce* vote the motion was adopted.

Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960, having considered the same report the same with the following recommendations: First, that the House recede from its position of non-concurrence in the following amendments adopted by the Senate and concur in said amendments:

The footnote for forestry division; the amendment to section 1 of the bill relative to insurance department: the amendment to section 1 of the bill relative to the motor vehicle department: the amendment to section 1 of the bill relative to public welfare department, the paragraph old age assistance and the paragraph, old age assistance to aliens; the amendment to section 1 relative to board of education; the amendment to section 1 of the bill relative to planning and development commission: the amendment to section 1 of the bill relative to racing commission; the amendments to section 1 of the bill relative to public works and highways and the amendment to section 10 of the bill.

Second, that the House recede from its position of non-concurrence and the Senate recede from its position of adopting its amendments and that the House and Senate concur in the adoption of the following amendments:

Amend Section 1 of the bill in the appropriation for the legislative branch by striking out the same and inserting in place thereof the following:

A continuing appropriation which shall lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$39,253.00** for the office of legislative budget assistant to the appropriations and finance committees, and \$7,500.00 for the office of research analyst*** to the senate finance committee as follows: (Salary of legislative budget assistant \$10,500.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$2,500.00, other expenditures \$2,000.00*) (Salary of research analyst to senate finance committee \$7,000.00, other expenditures \$500.00)

* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

** Of this amount \$34,253.00 shall be taken from the legislative appropriation made herein and \$5,000.00 shall be taken from the unexpended balance now in the accounts of the legislative budget assistant's office.

*** In the interim between sessions of the general court the services of the research analyst to the Senate finance committee shall be available to the members of the appropriations committee of the House of Representatives for reasonable services.

	\$320,000.00
Legislative council†	2,500.00
Council of state governments	2,500.00

Total for legislative branch	\$325,000.00
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† The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

Further amend the appropriation for Public Welfare by striking out the paragraph "Aid to dependent children" and inserting in place thereof the following:

Aid to dependent children:

State's share	\$1,034,618.86	
Less estimated revenue	60,000.00	
		974,618.86
Federal*	\$1,139,970.44	
Less estimated revenue*	1,139,970.44	

Net appropriation	0.00
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Further amend the appropriation for Public Welfare by striking out the paragraph "Aid to needy blind" and inserting in place thereof the following:

Aid to needy blind:

State's share	135,698.12	
Less estimated revenue	2,500.00	
		133,198.12
Net appropriation		
Federal*	\$131,747.52	
Less estimated revenue*	131,747.52	

Net appropriation	0.00
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Further amend the appropriation for Public Welfare by striking out the paragraph, "Aid to permanently and totally disabled" and inserting in place thereof the following:

Aid to permanently and totally disabled:

State's share	\$99,277.71	
Less estimated revenue	3,000.00	
		\$96,277.71
Net appropriation		
Towns and counties	\$167,878.35	
Less estimated revenue	167,878.35	

Net appropriation	0.00
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Federal*	\$212,496.00	
Less estimated revenue*	212,496.00	
	<hr/>	
Net appropriation		0.00

* This amount available for expenditure only if funds are available as a federal grant. If the federal grant exceeds the above estimate such excess may be expended for said purposes with the approval of the governor and council.

Further amend said appropriation for Public Welfare by striking out the words and figures—

Total for public welfare		\$3,058,794.21
Less town and county share		
of OASI administration	\$10,394.94	
Less transfer re adminis-		
tration from federal		
grant	296,500.00	
Less balance	158,858.97	
	<hr/>	465,753.91
		<hr/>
Net appropriation		\$2,593,040.30
		<hr/> <hr/>

and inserting in place thereof the following:

Total for public welfare		\$3,058,794.21
Less town and county share		
of OASI administration	\$10,394.94	
Less transfer re adminis-		
tration from federal		
grant	296,500.00	
Less balance	158,858.97	
	<hr/>	465,753.91
		<hr/>
Net appropriation**		\$2,593,040.30
		<hr/> <hr/>

** In addition to this amount and of the balance existing within the accounts of the department of public welfare as of June 30, 1959 over and above the amount of \$158,858.97 an amount of \$194,284.88 shall be available for expenditure subject to the provisions of the following:

Subject to governor and council approval, upon presentation of evidence that cost of living increases and/or increase in case load, and/or increase in medical payments are occurring in aid to dependent children, and/or aid to needy blind, and/or aid to permanently and totally disabled, transfers to said programs may be made from this balance.

Further amend said appropriation for Public Welfare by adding at the end thereof the following note:

NOTE: The appropriation made above for the department of public welfare includes \$258,917.95 for the purpose of increasing the rate to Nursing Homes for the care of Welfare recipients by \$1.00 per day; \$21,842.00 for the purpose of increasing the rates paid to druggists for the purchase of drug items for Welfare recipients; \$36,536.80 for the purpose of increasing the rates paid to Hospitals for the care of Welfare recipients; and \$18,357.58 for the purpose of increasing the rates paid to Funeral Directors for burials of Welfare recipients, provided, however, with the approval of governor and council and (1) from any available funds or (2) as a charge back to local units of government in accordance with legal liability under the settlement law, the rate to nursing homes for the care of welfare recipients may be increased to an additional sum not to exceed \$0.50 per day; an additional sum of not exceeding \$9,146.20 may be expended for the purpose of increasing the rates paid to hospitals for the care of welfare recipients; and an additional sum of not exceeding \$9,181.42 may be expended for the purpose of increasing the rates paid to funeral directors for burials of welfare recipients.

Amend the paragraph for the University of New Hampshire by striking out the same and inserting in place thereof the following:

For University of New Hampshire:

Total	\$3,244,136.59
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The sum hereby appropriated shall be the total appropriation for the university and shall be in lieu of requirements for appropriation under RSA 187:24 and the requirements for the appropriation of \$92,400. for county extension work under RSA 187:23 (supp) as amended by 1957, 312:1. For the fiscal year ending June 30, 1960 such part of the formula for computation of so-called millage tax provided by RSA 187:24 inconsistent with the provisions of this paragraph shall be suspended.

Amend Section 1 of the bill by striking out at the end of the section the words and figures "Total net appropriation for the fiscal year ending June 30, 1960, \$23,379,948.51" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1960 \$23,074,092.51.

JESSE R. ROWELL,

JOHN W. KING,

FORREST HODGDON,

Conferees on the Part of the House.

CURTIS C. CUMMINGS,

MARYE WALSH CARON,

Conferees on the Part of the Senate.

Mr. Rowell of Newport moved that the House adopt the Committee of Conference report and spoke in favor of the motion.

On motion of Mr. Rowell of Newport reading of the conference report was dispensed with and Mr. Rowell of Newport spoke in favor of the motion and explained the report.

(Mr. Crosby of Hillsborough in the Chair)

Mrs. Atwood of Sanbornton spoke against the motion.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the motion.

Mrs. Cole of Nashua spoke against the motion.

Mr. Clement of Rochester spoke in favor of the motion.

(discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the motion.

Mrs. Hartigan of Rochester spoke against the motion.

(discussion ensued)

Mr. King of Manchester spoke in favor of the motion.

Mr. Hodgdon of Tuftonborough spoke in favor of the motion.

Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Plumer of Bristol spoke in favor of the motion.

Mrs. Atwood of Sanbornton spoke a second time against adoption of the report, particularly in respect to the Welfare budget.

Mr. Green of Manchester moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the report of the Committee of Conference was adopted.

Reconsideration

Mr. King of Manchester, having voted with the majority, moved that the House reconsider its vote whereby it adopted the Committee of Conference report on House Bill No. 457, and spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961, having considered the same report the same with the following recommendations: First, that the House recede from its position of non-concurrence in the following amendments adopted by the Senate and concur in said amendments:

The amendment to section 1 of the bill relative to insurance department; the amendment to section 1 of the bill relative to the motor vehicle department; the amendment to section 1 of the bill relative to the welfare department, the paragraph old age assistance, and the paragraph, old age assistance to aliens; the amendment to section 1 of the bill relative to board of education; the amendment to section 1 of the bill relative to planning and development commission; the amendment to section 1 of the bill relative to racing commission; the amendment to section 1 of the bill relative to public works and highways department.

Second, that the House recede from its position of non-concurrence and the Senate recede from its position of adopting its amendments and that the House and Senate concur in the adoption of the following amendments:

Amend Section 1 of the bill in the appropriation for the legislative branch by striking out the same and inserting in place thereof the following:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$36,853.00*** for the office of legislative budget assistant to the appropriations and finance committee, and \$7,500.00 for the office of research analyst to the senate finance committee****, as follows: (Salary of legislative budget assistant

*** Of this amount \$31,853.00 shall be taken from the legislative appropriation made herein and \$5,000.00 shall be taken from the unexpended balance now in the accounts of the legislative budget assistant's office.

**** In the interim between session of the general court, the services of the research analyst to the Senate finance committee shall be available to the members of the appropriations committee of the House for reasonable services.

\$10,500.00, other personal services \$22,603.00, current expenses \$850.00; travel \$800.00, equipment \$100.00, other expenditures \$2,000.00*) (Salary of research analyst to senate finance committee \$7,000.00, other expenditures \$500.00)

	\$320,000.00
Legislative council**	2,500.00
Council of state governments	2,500.00

Total for legislative branch	\$325,000.00
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* The sum herein appropriated, or so much as necessary, shall be expended by the legislative budget assistant for an audit of the state treasury. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

** The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

Further amend said appropriation for Public Welfare in the paragraph "Aid to dependent children" by striking out said paragraph and inserting in place thereof the following:

Aid to dependent children:

State's share	\$1,138,959.43	
Less estimated revenue	60,000.00	
		<hr/>
Net appropriation		1,078,959.43
Federal*	\$1,199,199.47	
Less estimated revenue*	1,199,199.47	
		<hr/>
Net appropriation		0.00

Further amend said appropriation for Public Welfare by striking out the paragraph "Aid to needy blind" and inserting in place thereof the following:

Aid to needy blind:

State's share	\$139,126.24	
Less estimated revenue*	2,500.00	
		<hr/>
Net appropriation		\$136,626.24

Federal*	\$130,685.04	
Less estimated revenue*	130,685.04	
	<hr/>	
Net appropriation		0.00

Further amend said appropriation for Public Welfare by striking out the paragraph "Aid to permanently and totally disabled" and inserting in place thereof the following:

Aid to permanently and totally disabled:		
State's share	\$106,317.81	
Less estimated revenue	3,000.00	
	<hr/>	
Net appropriation		\$103,317.81
Towns and counties	\$180,250.75	
Less estimated revenue	180,250.75	
	<hr/>	
Net appropriation		0.00
Federal*	\$228,433.20	
Less estimated revenue	228,433.20	
	<hr/>	
Net appropriation		0.00

Further amend said appropriation for Public Welfare by striking out the words and figures "Total for public welfare \$3,434,089.80" and inserting in place thereof, Total for public welfare \$3,193,625.40.

Further amend said appropriation for Public Welfare by striking out the words and figures "Net appropriation \$3,127,589.80" and inserting in place thereof, Net appropriation \$2,887,125.40**

* This amount available for expenditure only if funds are available as a federal grant. If the federal grant exceeds the above estimate such excess may be expended for said purposes with the approval of the governor and council.

** If this sum is not expended during the fiscal year any balance thereof may be used for aid to dependent children, and/or aid to needy blind and/or aid to permanently and totally disabled, provided evidence is presented to the governor and council that cost of living increases and/or increase in caseload, and/or increase in medical payments are occurring in any of said programs and the governor and council shall approve such use. Said balance shall not be transferred or used for any other purpose than said programs.

Further amend the appropriation for Public Welfare by adding at the end of said appropriation the following note:

NOTE: The above appropriation for the department of public welfare includes the following sums to continue the rate increases authorized by the budget act for the fiscal year ending June 30, 1960, namely, \$249,545.00 for nursing homes for care of welfare recipients; \$21,912.00 for amounts paid to druggists for the purchase of drug items for welfare recipients; \$36,546.80 for amounts paid to hospitals for the care of welfare recipients; and \$18,252.33 for the amount paid to funeral directors for burials of welfare recipients, provided, however, with the approval of governor and council and (1) from any available funds or (2) as a charge back to local units of government in accordance with legal liability under the settlement law, the rate to nursing homes for the care of welfare recipients may be increased to an additional sum not to exceed \$0.50 per day; an additional sum of not exceeding \$9,146.20 may be expended for the purpose of increasing the rates paid to hospitals for the care of welfare recipients; and an additional sum of not exceeding \$9,181.42 may be expended for the purpose of increasing the rates paid to funeral directors for burials of welfare recipients.

Amend the paragraph for the University of New Hampshire by striking out the same and inserting in place thereof the following:

For University of New Hampshire:

Total	\$3,244,136.59
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The sum hereby appropriated shall be the total appropriation for the university and shall be in lieu of requirements for appropriation under RSA 187:24 and the requirements for the appropriation of \$92,400 for county extension work under RSA 187:23 (supp) as amended by 1957, 312:1. For the fiscal year ending June 30, 1961 such part of the formula for computation of so-called millage tax provided by RSA 187:24 inconsistent with the provisions of this paragraph shall be suspended.

Amend Section 1 of the bill by striking out at the end of the section the words and figures, "Total net appropriation for the fiscal year ending June 30, 1961 \$24,261,292.88" and inserting in place thereof, Total net appropriation for the fiscal year ending June 30, 1961 \$23,936,896.74.

JESSE R. ROWELL,
JOHN W. KING,
FORREST HODGDON,

Conferees on the Part of the House.

CURTIS C. CUMMINGS,
MARYE WALSH CARON,

Conferees on the Part of the Senate.

Mr. King of Manchester moved that reading of the report be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. Rowell of Newport moved that the report of the Committee of Conference on House Bill No. 458 be adopted.

On a *viva voce* vote the motion was adopted.

Reconsideration

Mr. Pillsbury of Manchester, having voted with the majority, called for the reconsideration on House Joint Resolution No. 58, Joint Resolution relative to dedication ceremonies in connection with the Hopkinton-Everett Flood Control Project, as served notice of by Mr. Hancock of Concord,

Mr. Hancock of Concord spoke in favor of reconsideration.

Mr. Pillsbury of Manchester spoke against reconsideration.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke in favor of reconsideration.

Messrs. King of Manchester, Gilman of Farmington, Sheridan of Berlin, Angus of Claremont, Pickett of Keene, Batchelder of Deerfield and Mrs. Davis of Concord spoke against reconsideration.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke a second time in favor of reconsideration.

Mr. Hancock of Concord spoke a second time in favor of the motion.

Mr. Hancock of Concord requested a division vote.

The division vote being manifestly in the negative the motion to reconsider did not prevail.

Senate Messages

The Senate message announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority.

Amend section 3 of said bill by striking out the first two lines and inserting in place thereof the following:

3 *Appointment of Commissioners.* 1. In the first instance the commissioners shall be chosen for a term beginning September 15, 1959 as follows:

On motion of Mr. Coutermarsh of Lebanon the House concurred in the Engrossed Bills amendment.

The Senate Message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following House Bill, in the adoption of which report the Senate asks the concurrence of the House of Representatives:

House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960.

The Senate has voted to adopt the report of the Committee of Conference on the following House Bill, in the adoption of which report the Senate asks the concurrence of the House of Representatives:

House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961

Reconsideration

Mr. King of Manchester, having voted with the majority, moved that the House reconsider its vote whereby it accepted the Committee of Conference report on House Bill No. 458.

On a *viva voce* vote the motion was not adopted.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air.

Senate Bill No. 83, An Act relating to the improvement of Rye Harbor.

Report of Committee appointed by the Speaker under House Resolution introduced by Mr. Grimes of Dover "to in-

investigate the purchase and distribution of gasoline for the state, including the reasons for issuance of more credit cards than state owned vehicles."

History: Mr. Grimes' resolution was referred to the Committee on Transportation which held a public hearing on August 12, 1959 and reported to the House that the Resolution "ought to pass." This report was accepted by the House on August 19 and the Speaker appointed the following members as a committee of five to make the investigation authorized by Mr. Grimes' resolution: Mr. Terry of Westmoreland, Mr. Galloway of Walpole, Mr. Willey of Campton, Mr. Pickett of Keene and Mr. Kearns of Manchester.

The committee invited Mr. Peale, director of purchases, Mr. Mead, business manager, and the heads of the various departments which are the principal users of gasoline to testify at a hearing on August 25. Mr. Gorham of Socony Mobil Oil Company also testified. Besides these witnesses, the Chair read from portions of an editorial in the Manchester Union Leader of July 17, 1959 and news item in the same paper dated August 22 and asked questions concerning statements made in these newspaper reports. On the following day the committee met in executive session and agreed without dissent on the principal findings of the committee and authorized the chairman to draw up a report for approval. In order to meet the deadline set by the resolution, the Chair drew up a summary report which was approved by the members of the committee and was presented to the legislature for printing in the Journal of August 27. This summary contains statements of broad fact and the opinions of the committee and will be appended to this detailed report.

The committee attempted to confine itself to three questions: 1. How much does gasoline cost the state? 2. Are there more credit cards than state owned vehicles, and, if so, why? 3. Economic factors, purchase of gas from retail outlets vs. state owned tanks, etc. The detailed report follows:

1. How much does the state pay for gasoline?

The state is under contract arrived at by competitive bidding with Socony Mobil Oil Co., Manchester, N. H. for gasoline, lubricating oil and other petroleum products. According to this contract, the state can purchase gasoline delivered into

the state's tanks at 4.83c per gallon under the commercial tank wagon prices. The contract also lists 199 Socony gas stations throughout the state which will give a two-cent discount to state owned vehicles using the coded credit cards furnished by the company. The statement made in the news item August 22, "Socony had a monopoly on the state's retail business," is not true. The committee has a copy of the contract in question and there is no obligation mentioned or inferred which would indicate such a monopoly, and, in fact, the state does not purchase gasoline exclusively from Socony.

The tank wagon price mentioned in the above paragraph varies from point to point in New Hampshire being 23.4c per gallon in the southern part of the state and 25.4c per gallon in the northern part, the weighted average being 24.2c per gallon. So the average net cost to the state after the discount of 4.83c is 19.37c per gallon delivered into the state tanks. This figure includes the state tax of 7c per gallon but not the federal tax which is 3c per gallon and all figures in this report are on the same basis, namely state tax included. State owned vehicles pay the state tax but are exempt from the federal tax. Mr. Peale testified that the state purchases yearly between 900,000 and 1,000,000 gallons of gas at the company gas stations and between 400,000 and 500,000 at the state owned tanks, more than one-half of which is used by the state highway department, and that more accurate figures will be available soon as the result of a thorough study which he is making.

The retail price of gasoline varies from point to point and from time to time as the competitive situation changes. At the present time the minimum retail price in the Concord area is 28.9c per gallon and the maximum is 32c per gallon from which price the state gets a 2c discount and a rebate of the federal tax of 3c making the minimum price which the state pays at gas stations 23.9c per gallon and the maximum 27c per gallon, the average being 24.55c per gallon.

2. Are there more credit cards than state owned vehicles, and, if so, why? It was reported to the committee that 1773 credit cards have been issued and that the state owns 1,000 vehicles. There was some discrepancy in testimony concerning the distribution of the cards to the various departments and the exact number of vehicles in use at the present time, but the figures are close enough for the purpose of this committee's find-

ings. The committee is of the opinion that there is no indication of malfeasance and that the cards are carefully distributed and that all cards are properly accounted for. Cards are issued in advance to the various departments on the basis of possible requirements. With a few exceptions credit cards are assigned one to a vehicle and when the vehicle is disposed of the credit card is destroyed. The cards are coded and distinctly embossed so that the register machine at the gas station indicates on the charge ticket the particular vehicle to which all purchases of gas are charged, and all tickets must be signed by the driver purchasing the gas. Extra cards are kept by the department head under lock and key and are distributed as occasion demands. The only possibility of theft or misappropriation of gas of which we can conceive would require collusion between the gas station attendant and the purchaser, and, although we agree that it is possible and may sometimes occur, such collusion is an exception rather than a rule.

3. Economic factors; purchase of gas from retail outlets vs. state owned tanks, etc. In (1) of this report we have shown that the state purchases gasoline in bulk at an average price of 19.37c per gallon delivered into state tanks and that the retail price of gasoline delivered into the tanks of state owned vehicles varies from 23.9c per gallon to 27c per gallon depending on the time and location. This shows a gross spread between bulk price and retail price anywhere from 4.53c to 7.63c per gallon, and it must be remembered that the retail price is delivered into the vehicle's tank, while the bulk price is delivered into the bulk storage tank only. So, in order to gain a proper comparison of cost, we must consider the cost of distribution from state tanks into the gas tank of the vehicle. The state highway department estimates that this costs approximately 4c per gallon and consequently they charge all vehicles 23c per gallon for gas obtained at the highway garages in Littleton, Center Ossipee and Concord, a mark-up of 3.63c per gallon. This mark-up is supposed to cover the cost of labor, shrinkage, etc., and, therefore, 23c per gallon should be considered as the cost of gasoline from all state owned tanks into the gas tank of the vehicle. There are forty state owned tanks at various points. These tanks and pumps are owned by the gas company but are installed at state expense at a cost of \$100 to \$5000 each. The pumps at the three state highway

garages mentioned are manned, but it must be assumed that the cost of distributing the gas into the tanks of the vehicles at all of the tanks would approximate the highway garage cost whether the pumps are manned or unmanned, for if the pumps are not manned the driver of the vehicle supplies the labor and the service which goes along with any filling station operation, and the state pays the cost.

For purposes of comparison we must therefore consider the cost of gas in state owned vehicles from state tanks at 23 cents per gallon, the price which the highway garages charge, against the cost to the state of gasoline purchased at Socony stations which varies from 23.9 cents to 27 cents per gallon. It will, therefore be seen that the cost margin of gasoline between state owned tanks and retail filling stations ranges between .9 cents per gallon to 4 cents per gallon depending on time and location. The newspaper editorial which refers to savings of "as much as 6 cents per gallon" and the news article which refers to "savings ranging from five to ten cents a gallon" are, therefore, inaccurate and misleading to say the least. We received no testimony which would indicate such savings. The question, therefore, of savings which can be made by increased purchases of gasoline from state owned tanks instead of retail gas stations should, therefore, rest on the question, "How far can one go to save a dollar on purchase of gasoline and how many gallons will one have to purchase in order to save a dollar?" The answer to the first part of this question will depend entirely on the time and the occasion and the answer to the question, "What is the time of the operator and his vehicle worth?" It certainly would be foolish to spend \$2.00 in time and mileage to save \$1.00 in purchase of gas. The answer to this question, therefore, will have to be left up to the individual driver and the department which employs him. He must also consider any extra services which he would get free of charge at any of the retail gas stations or the state tanks.

The answer to the second part of the question, "How many gallons of gas must be purchased in order to save a dollar?" depends on the time and location. As mentioned before, the price spread between gasoline at state owned tanks and gasoline at retail gas stations varies anywhere from .9 cents per gallon to 4 cents per gallon. In one case the driver would have to purchase 110 gallons of gas in order to save \$1 and in the

latter he would have to purchase 25 gallons to save \$1. This decision also will have to be left up to the driver and the department for which he works. Of one thing we can be certain, mainly that nobody will ever know if the drive to purchase more gas at state owned tanks will save the state any or has saved the state any money. A reduced gas bill may well cover increased mileage and labor costs, and so the purchase of gas from state bulk tanks vs. retail gas stations should always be considered with wisdom.

Now we come to another question, namely, the control of distribution of gas at state owned pumps. We find that the pumps at the three state highway garages before mentioned, namely, Littleton, Center Ossipee and Concord are manned. The other thirty-seven pumps are not manned. The records are well kept at the Concord garage and the meter readings are carefully checked daily against the gas dispensed, but there is no check made at any time between the amount of gas received and the gallons dispensed. This is a serious laxity and should be corrected immediately. Until proper records are kept the opportunity exists for huge shortages without anybody knowing the difference. This is a serious matter.

The system of dispensing gas at the unmanned tanks is lax in the extreme. These pumps are kept under lock and key and the key is usually held by a foreman or other authorized personnel and a record is made by the person holding the key whenever gas is pumped, but no record of the meter reading is kept, and the gasoline is then charged to the proper department. At the present time it is possible for gas to be pumped without any record being made of it whatsoever. As a result of this investigation the state highway department has advised us that they will immediately include hereafter meter readings on each slip at the unmanned pumps. This will help plug one hole but even when this is done there is no check between the gas received and distributed and the system of dispensing gas at the unmanned tanks is extremely lax. Gasoline is a useful article to almost everybody and the use of unmanned tanks subjects the employees and others to temptations which no wise business man would tolerate. It is the opinion of this committee that further expansion of state owned tanks is not in the interest of the economy of the state until a better method of distribution and records has been adopted. When gas is purchased on credit cards it requires

collusion between two or more people to mis-appropriate gas. With our present system of unmanned tanks the possibility rests on one person alone and this should not be allowed to continue.

It is the opinion of this committee that money can be saved by putting the emphasis on purchase of gasoline from state tanks and it is also the opinion of this committee that additional state tanks could show additional savings, but it is misleading to claim enormous savings which can never be proved. The statement that the "state could save as much as \$50,000 a year" was not substantiated in any of the testimony before this committee and nothing but confusion can result from public statements which compare retail prices, tax included, with bulk prices before tax. The committee also believes that more money can be lost through lax control of state owned pumps than through purchase of gasoline at retail gas stations.

JOHN H. TERRY, JR.

For the Committee.

Summary

1. The state is under contract arrived at by competitive bidding with Socony Mobil Oil Co. for gasoline at wholesale delivered into our tanks anywhere in the state at 4.83 cents per gallon discount from the contractors posted commercial tank wagon price. We may also purchase gasoline at any of 199 gas stations scattered throughout the state at two cents per gallon discount. The State Highway sells gasoline at their garages in Littleton, Center Ossipee and Concord for 23c per gallon which includes state tax but not federal tax. This allows them sufficient mark-up above the cost to pay for the handling, and the various departments have nearly 37 other tanks situated throughout the state,

2. Therefore, we must use this price of 23c per gallon as the cost of gas to the various departments when comparing wholesale versus retail purchases. The retail price of gas varies from place to place and time to time. At the present time the state can buy gasoline from service stations at prices ranging from 23.9c per gallon to 27c per gallon. (These figures do not include federal tax but do include state tax.) The possible saving, therefore, which can be made by purchasing

gas at one of the state highway garages versus retail gas stations varies between *.9c per gallon and 4c per gallon*. How much can be saved, therefore, by patronizing state highway garages must be left to the discretion of the various departments and the individual drivers, and varies from time to time and place to place. It is impossible to say how much can be saved or how much is saved, because it will never be known whether or not the visible savings on gasoline will be offset by the extra cost in time and vehicle. It is wise to stress economy in purchase of gasoline but caution should be observed not to waste time in order to show a saving in gas cost.

3. We have examined the credit card situation and find the excess cards properly accounted for. The cards are issued to the various departments according to their probable needs, and the excess cards are held by the department heads under proper custody. We find no indication of malfeasance in connection with credit cards.

We believe that control of distribution of gas at the various state-owned tanks is not as carefully managed as it should be and that there is, therefore, opportunity for misappropriation of gas and shrinkages and shortages which could easily cost more than the state could possibly save, and certainly *present* a temptation far beyond that at a retail gas station which would require collusion between the purchaser and attendant. This system should be made as near theft-proof as possible before any further expansion of bulk tanks takes place.

In conclusion we would say that it is quite possible to save money by further use of state-owned tanks, but great care should be taken against wrongful distribution. As a result of this investigation, steps have already been taken by the Highway Department for better control, and further action should be taken.

We wish to thank the various department heads for their cooperation in this investigation.

JOHN H. TERRY, JR.,
ROBERT GALLOWAY,
PHIL WILLEY,
JOHN KEARNS,
LAURENCE PICKETT,

For the Committee.

Resolutions

Mr. Sabluskı of Nashua offered the following resolutions:

Whereas, Wilfred G. Thibault, Representative from Nashua, Ward 2, is ill and a patient at St. Joseph's Hospital in Nashua, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to Representative Thibault.

On a *viva voce* vote the resolutions were adopted.

Announcements

The Chair announced that today is the 40th wedding anniversary of Mr. Smith of Meredith.

The Chair also announced that today is the 75th birthday of Mr. Manning of Manchester, Ward 5 and the 33rd birthday of Miss Loizeaux of Plymouth.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit business in order at 3:00 o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 406, An Act providing for the publication of the commercial code as part of the Revised Statutes Annotated.

House Bill No. 438, An Act providing for the acquisition of certain dams and water rights by the water resources board.

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to allow two reports sent down from

the Senate to be read at the present time and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook.

The Senate has voted to concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives:

House Joint Resolution No. 40, Joint Resolution relative to apportionment of Representatives in the House of Representatives.

On motion of Mrs. Brungot of Berlin the House adjourned at 1:34 o'clock.

TUESDAY, SEPTEMBER 8, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

"Lord, Thou hast been our refuge, from one generation to another. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world even from everlasting to everlasting Thou art God."

We pray that we may have the sense of participating in the life of the Eternal, that the things accomplished in these halls of state may serve enduring values and lasting purposes.

"So teach us to number our days, that we may apply our hearts unto wisdom." (Psalm 90) Amen.

Pledge of Allegiance to the Flag

Mrs. Gowing of Dublin led the Convention in the Pledge of Allegiance to the Flag.

Governor's Message

His Excellency, Governor Wesley Powell, appeared before the Joint Convention and addressed it as follows:

Mr. Speaker, Mr. President, and Honorable Members of the General Court:

I appreciate the courtesy of these few minutes with you this morning as we begin together what we mutually desire to be the concluding week of the present legislative session.

There are three items which many of us consider to be of vital importance to better development of the economy of our State that I would discuss with you briefly now. Please understand that in confining my remarks to three items it is not my purpose to suggest that other matters still pending, which can be expeditiously handled, be denied further consideration.

1. I most respectfully request that the Legislature expedite favorable consideration of an accelerated highway construction program. I make this request not that we may simply build new roads but that at an earlier date than can now be anticipated the economy of our State can be expanded by providing the better highways which have already been unduly delayed.

In a spirit of compromise and so that we may begin to move forward with a speedier highway program, I am this day giving my endorsement to an amendment to be offered by Representative Galloway which would limit for the time being the highway construction speed-up to a total of thirty-one million dollars, including a total accelerated bond issue in the amount of fourteen million dollars. I give this endorsement with the thought that in the next session of the Legislature consideration can be given to the status of funds earmarked for interstate highway construction, and appropriate further action taken at that time. I would repeat now what I said in my Special Message regarding the need for accelerated highway construction: Time is passing us by here in New

Hampshire, and in a period when we should be making urgent preparations to accommodate not only the potential increase in tourist traffic but also the availability of new industry to be on the move from states where the tax climate is less healthy than our own, and as a result of the great industrial development occurring along the improved St. Lawrence Seaway which has already spilled industrial benefits over the border into our neighboring state of Vermont. If by firm action we indicate to those interested in providing new job opportunities here in New Hampshire that we can be depended upon to work toward the establishment of a highway system which will better accommodate commerce, we can expect industry to look upon us with greater favor.

2. I respectfully request that the Legislature expedite action on the one million dollar bond authorization for the New Hampshire Port Authority. Again in a spirit of compromise I have informed Representative Hodgdon of my acceptance of certain restrictive amendments which gained favor with his sub-committee. The Piscataqua River harbor area represents one of New Hampshire's great natural resources in the speedier development of which we should have been busy long since. To me, the potential future economic expansion of our state through the development of the port to the south, tied in with the acceleration of the highway construction program, is beyond the measure of we who live in this time. In an earlier message this vital subject was dwelt upon in considerable detail so I will not belabor now the many potential benefits. It does seem to me that your approval of an accelerated highway program and increased development of the Piscataqua River harbor for ocean-going commerce would be acts for which generations of our people to come will be grateful.

3. You will recall the purpose of one proposed reorganization program was to provide additional funds for a better industrial and resort promotion program for our State. The proposed reorganization has been laid aside for a time, but the need for increased promotion is more apparent than ever. Roughly speaking, there is available in the budgets for existing agencies of the government some one hundred thirty thousand dollars for promotion and advertising. At this time I respectfully request that the Legislature expedite the appropriation of an additional one hundred twenty thousand dollars

which would make available a total of about two hundred fifty thousand dollars to be spent to better tell to industry on the move and vacationists on the move the advantages to be had by settling and vacationing in New Hampshire. It is my further request that the Legislature clearly express its intent that the Planning and Development Commission and the Recreation Division coordinate their promotional activities and their spending of dollars allocated for promotion in order that the greatest benefit can come from the dollars spent in the remainder of this biennium. By way of implementing that legislative intent, I respectfully request further that the general programming of promotional funds be subject to approval of Governor and Council in order that we may not only accept our responsibility for such an administrative function of our state government, but also to provide clear authority to the highest executive officials of our government to insist upon the coordination heretofore suggested.

The foregoing is my message to you this morning. In it I am simply trying to cooperate with you in providing vitally important facilities which can be helpful in improving not only the income of our individual citizens but in improving also the revenue status of our government.

On motion of Senator Daniels from District No. 19, the Convention rose.

House

Introduction of a Guest

The Chair introduced Private Odie Champagne of the United States Marine Corps, Parris Island as a guest of the House today, courtesy of her grandfathers, Messrs. LaFrance and Champagne of Manchester.

Leaves of Absence

Messrs. Drew of Farmington and Clement of Rochester were granted leaves of absence for the day on account of important business.

Messrs. Batchelder of Deerfield and Gamache of Hudson were granted an indefinite leave of absence on account of important business.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills and House Joint Resolutions:

House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority.

House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord.

House Joint Resolution No. 40, Joint Resolution relative to apportionment of representatives in the house of representatives.

House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook.

Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs.

Reports of Standing Committees

Mr. Newell of Concord, for the Committee on Public Works, to whom was referred Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to posting load and speed limits on town bridges and relative to a certain bridge over Merrimack river.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Bridges.* Amend RSA 247:21 by inserting after the words "six tons" in the fifth line the words, or where a greater or lesser lawful load limit is posted on or near the entrances of such other bridge, culvert or sluiceway, the load limit so posted, so that said section as amended shall read as follows: 247:21 *Weight of Load.* Towns are not liable for such damages to a person traveling upon a bridge, culvert or sluiceway constructed by the town and state with joint funds when the weight of the load, inclusive of the vehicle, exceeds fifteen tons, or upon any other bridge, culvert or sluiceway when the

weight of the load, inclusive of the vehicle, exceeds six tons or, where a greater or lesser lawful load limit is posted on or near the entrances of such other bridge, culvert or sluiceway, the load limit so posted.

2 *Non liability for Damages.* Amend RSA 247 by inserting after section 23 the following new section: 247:23-a *Speed Limit.* Towns are not liable for such damages to a person traveling upon any bridge constructed by the town at a speed which is greater than the lawful speed limit posted on or near the entrances of such bridge.

3 *Trial.* Amend RSA 247:24 by adding after the word "load" in the third line the words, the speed of the vehicle, so that said section as amended shall read as follows: 247:24 *Burden of Proof.* Upon the trial of any action for the recovery of such damages, it is incumbent on the plaintiff to prove the weight of the load, the speed of the vehicle, the width of the felloes or the number of cattle on the bridge.

4 *Requirements.* Amend RSA 251:16 by striking out said section and inserting in place thereof the following: 251:16 *Load Limits on Town Bridges; Posting.* Except as otherwise provided by law all town bridges not constructed with town bridge aid funds and which the town has the duty to maintain shall have a carrying capacity of at least six tons. The selectmen shall cause notice of the load limit of such town bridge to be posted on or near the entrances of such bridge. Such town bridges may be posted for a load limit of less than six tons but not less than three tons when application has been made for town bridge aid pursuant to the provisions of RSA 242 and action on such application is pending.

5 *Boscawen-Canterbury Bridge.* Since the town bridge over the Merrimack river between Boscawen and Canterbury in the vicinity of new interstate highway construction may no longer be sufficiently strong to carry in safety vehicles of gross weight of six tons and whereas future traffic patterns are not sufficiently predictable at this time to provide an accurate basis for determining how and whether said bridge should be replaced, the selectmen of the towns of Boscawen and Canterbury, for a period of five years, are empowered to post said bridge for whatever speed and load limits they shall deem safe, provided that said limits may not be less than three tons,

inclusive of vehicle, for load, and three miles per hour for speed. The towns of Boscawen and Canterbury shall not be liable for damages happening to any person, his motor vehicle, team or carriage, traveling upon said bridge when the weight of the load, inclusive of vehicle, or the speed of such vehicle, exceeds the load or speed limits posted by the selectmen of said towns pursuant to the provisions hereof. The commissioner of public works and highways shall forthwith cause said bridge to be inspected by his department and shall cause further inspections to be made at least every two years while said bridge is open to public use. At the time of said inspections a report thereof shall be sent to the selectmen of Boscawen and Canterbury and if the commissioner finds that said bridge is unsafe for public travel he shall forward his recommendations relative thereto to said selectmen.

6 Takes Effect. This act shall take effect upon its passage.

On motion of Mr. Galloway of Walpole reading of the amendment was dispensed with and Mr. Galloway of Walpole explained the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Newell of Concord, for the Committee on Public Works to whom was referred House Bill No. 516, An Act relative to authority of commissioner of public works and highways, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the first paragraph of RSA 229:22 as inserted by section 1 of the bill by inserting after the word "work" in the third line the words, of maintenance and repair, so that said paragraph as amended shall read as follows:

229:22 Aid to Towns and Cities. The commissioner may, on request of any city or town, perform work of maintenance and repair, including the furnishing of labor and materials, on any town or city road, bridge or any other property used in connection with highways of the city or town under the following conditions:

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Robinson of Concord, for the Committee on Public Works to whom was referred Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 *Property Rights of Public Utilities.* Amend RSA 232 by adding after section 6 the following new section: 232:7 *Acquisition of Interests in Land.* When the construction or alteration of any highway requires the taking of land or rights therein in which a public utility has a property interest, subject to the approval of the Governor and Council and by agreement with the public utility owning such interest, there may be acquired by layout under the layout statute applicable to the highway in question or by purchase and conveyed to said public utility, in mitigation of such damages as said public utility may be entitled to on account of the taking of its property interest, such land or rights in land as may be necessary to provide a substitute property interest.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Gibson of Concord, for the Committee on Resources, Recreation and Development to whom was referred Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "sixty" in the first line and inserting in place thereof the word, ninety-five, so that said section as amended shall read as follows:

1 *Appropriation.* The sum of ninety-five thousand dollars is hereby appropriated for the purchase of Fort Dear-

born under the following conditions. If the owners or their heirs of seventy-five per cent of the property from whom the United States purchased or took by condemnation shall not have succeeded in obtaining federal legislation enabling them to repurchase the property formerly held by them and if said property becomes available for purchase by the state the sum hereby appropriated may be expended for such purchase.

Mr. Monahan of Hanover explained the amendment.

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the amendment.

Mr. Downs of Conway spoke in favor of the amendment.

(discussion ensued)

On a *viva voce* vote the amendment was adopted and the Senate Bill was referred to the Committee on Appropriations.

Mrs. Gordon of Jaffrey, for the Committee on Ways and Means, to whom was referred House Bill No. 514, An Act relating to motor vehicle road toll, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mrs. Lord of Gilford, Mrs. Prescott of Brentwood explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 166, An Act relative to the practice of professional nursing.

Amend Chapter 326-A:3, paragraph I, as inserted by section 1 of the bill, by striking out the word "two" in the fourth line and inserting in place thereof the word four, so that said paragraph I shall read as follows:

I. *Appointments, Terms.* There shall be a board of nursing education and nurse registration consisting of five nurses, one to be appointed each year by the commissioner of education from a list of four nominated by the New Hampshire State Nurses Association. The term of office of each shall be five years and until a successor is appointed and qualified. Vacancies shall be filled in like manner for the unexpired term.

Further amend RSA 326-A:9, as inserted by section 1 of the bill, by inserting after Paragraph IV the following new paragraph:

V. Nursing services by anyone when done in accordance with the practice of the religious principles of tenets of any well recognized church or denomination which relies upon prayer or spiritual means alone for healing.

On motion of Mr. Willey of Campton, the House concurred in the Senate amendment.

The Senate message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 174, An Act to investigate expenses incurred due to the failure of Valley Trust Company of Penacook with a view of ascertaining possible future benefits for innocent depositors of said institution.

Introduction of a Senate Bill

Senate Bill No. 174, An Act to investigate expenses incurred due to the failure of Valley Trust Company of Penacook with a view of ascertaining possible future benefits for innocent depositors of said institution, was introduced, read a first and second time and referred to the Joint Committee on Banks and Judiciary.

Report of Committee of Conference

The Committee of Conference to whom was referred House Bill No. 434 'An Act relative to public water supplies', having considered the same report the same with the recommendation that the Senate recede from its position in adopting its amendments, that the House recede from its position of nonconcurrence in the Senate amendments and that the House

and Senate concur in the adoption of the following amendments to the said bill:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Use of Fluorides.* Amend RSA 31 by inserting after section 17 the following new subdivision:

Public Water Supplies

31:17-a *Referendum.* Upon the written application of five percent, or three hundred or more of the voters in a town, whichever is the lesser, presented to the selectmen or one of them at least fifteen days before the day prescribed for an annual town meeting, the selectmen shall insert in their warrant for such meeting an article relative to the use of fluorides in the public water system for said town. If the town has an official ballot the town clerk shall insert on such ballot the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the public water system no fluorides shall be introduced into the public water system for said town, or if fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the town shall by majority vote approve of the use of fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said town, pursuant to a popular referendum previously conducted, the selectmen shall not insert such an article in the warrant nor shall such question be inserted on the official ballot except upon written application of not less than ten percent of the registered voters of said town.

2 *Cities.* Amend RSA 44 by inserting after section 15 the following new section: 44:16 *Public Water Supplies.* Upon the written application of five percent, or three hundred or more of the voters in any city, whichever is the lesser, presented to the city clerk prior to the municipal election the city clerk shall insert on the ballot to be used at said election the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall

be printed the word "yes" and the word "no" with proper boxes for the voter to indicate his choice. If a majority of the voters at said election do not approve the use of fluorides in the public water system for said city no fluorides shall be introduced into the public water system. If fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the city shall by majority vote approve of the use of such fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said city, pursuant to a popular referendum previously conducted, the city clerk shall not insert the aforementioned question on the ballot to be used at the municipal election except upon written application of not less than ten percent of the registered voters of said city.

3 *Village Districts.* Amend RSA 52 by inserting after section 22 thereof the following new section: 52:23 *Public Water.* Upon the written application of five per cent of the voters in any village water district, presented to the commissioners or one of them at least fifteen days before the day prescribed for an annual meeting of the district, the commissioners shall insert in their warrant for such meeting an article relative to the use of fluorides in the water system of said district, and the district clerk shall prepare a ballot for said meeting with the following question: "Shall permission be granted to introduce fluorides into the district water system?" Beside the question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the district water system no fluorides shall be introduced into the district water system, or if fluorides have prior to said vote been so introduced, such use shall be discontinued until such time as the voters of the district shall by majority vote approve of the use of fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said district, pursuant to a popular referendum previously conducted, the commissioners shall not insert such an article in the warrant nor shall the district clerk prepare such a ballot except upon the written application of not less than ten percent of the registered voters of said district.

4 *Exception.* Nothing herein shall be construed as affecting an act passed at this session, approved May 29, 1959,

relative to referendum on use of fluorides in the public water supply of the city of Concord.

5 *Takes Effect.* This act shall take effect sixty days after its passage.

RUSSELL G. CLAFLIN,
MARJORIE L. ROULSTON,
ERNEST R. COUTERMARSH,

Conferees on the Part of the House.

NELLE L. HOLMES,
JOHN E. BUNTEN,

Conferees on the Part of the Senate.

At the request of Mr. Deans of Milford, Mr. Claflin of Wolfeboro explained the report.

On a *viva voce* vote the House concurred in the report of the Committee of Conference.

The Senate message further announced that the Senate has passed the following concurrent resolution, in the passage of which it asks the concurrence of the House of Representatives:

Whereas, it appears that all necessary legislative work may be accomplished by Friday, September 11 next, therefore be it

Resolved, by the Senate, the House of Representatives concurring, that the present session of the legislature be brought to final adjournment on Friday, September 11 next, at 5:00 o' clock in the afternoon, and be it further

Resolved, That on that date, all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council and the next Legislature, be indefinitely postponed.

On motion of Mr. Green of Manchester the concurrent resolution was laid on the table.

On motion of Mr. Pickett of Keene, the rules of the House were so far suspended as to permit business in order at 3:00

o'clock this afternoon to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following Senate bills were severally read a third time, passed, and sent to the Senate for concurrence in the House amendments:

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges and relative to a certain bridge over Merrimack river.

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways.

The following House bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 516, An Act relative to authority of commissioner of public works and highways.

House Bill No. 514, An Act relating to motor vehicle road toll.

On motion of Mrs. Christiansen of Berlin the House adjourned at 12:06 o'clock.

WEDNESDAY, SEPTEMBER 9, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O Thou Who dost grant unspeakable peace to those who trust and serve Thee, teach us to render unto Thee all that we have and all that we are. May each one here united in this communion of prayer be drawn unto Thee, and this day grow

in thine image, doing that kindly deed that has been put off, pushing aside the vanity and selfishness that beset us. May we today, O Lord, do all that may be accomplished in behalf of Truth and Justice. Set our hearts aright and atune our minds and hands to Thy Spirit within us. Amen.

Pledge of Allegiance to the Flag

Mr. Brown of Keene led the Convention in the Pledge of Allegiance to the Flag.

Resolutions

Miss Marion G. Alexander was escorted to the Rostrum by the committee appointed by the Chair for that purpose.

The Speaker presented the following resolutions:

Whereas, Marion G. Alexander of Boscawen serves as legal research assistant in the Department of the Attorney General, and

Whereas, in keeping with the tradition of her family she has devoted forty-three years of her life to both the service of the State of New Hampshire and to civic and community leadership, and

Whereas, she has efficiently and carefully weighed and studied the statutes of this State, graciously giving to the legislators of her time and talents in integrating and translating their intentions into proper legal verbiage, wisely suggesting the elimination of obsolete and contradictory provisions of law, and advising the members of the General Court of new statutory developments and concepts, therefore be it

Resolved, That we, the members of the Senate and the House, in General Court convened, do hereby extend to Miss Alexander our sincere thanks for the cooperation she has given us and our appreciation for the long years of faithful service she has expended in our behalf; and express the sincere wish that the New Hampshire General Court will continue to have the benefit of her efficient and courteous assistance for a long time to come, and be it further

Resolved, That the Speaker of the House present a copy of these resolutions to Miss Alexander.

Committee of the House

M. SUZANNE LOIZEAUX, Chairman

GEORGE T. GILMAN

N. A. McMEEKIN

MABEL THOMPSON COOPER

JOHN W. KING

ELSIE CORA BAILEY

LAURENCE M. PICKETT

WESLEY POWELL

Governor

STEWART LAMPREY

Speaker of the House

NORMAN A. PACKARD

President of the Senate

The resolutions were unanimously adopted on a rising vote.

Miss Loizeaux of Plymouth presented Miss Alexander with a bouquet of red roses.

Miss Alexander then addressed the Joint Convention.

His Excellency, Governor Wesley Powell, paid a tribute to Miss Alexander for her 43 years of service to the State.

On motion of Senator Cates of District No. 4 the Convention rose.

House

Introduction of a Guest

The Chair introduced Miss Priscilla Burrill as guest of the House today, courtesy of Mr. Burrill of Littleton.

Leaves of Absence

Miss Faulkner of Keene and the Messrs. Locke of New Boston, Pinkham of Northwood and Varney of Rochester were granted leaves of absence for the day on account of important business.

Mr. Wirkkala of Lempster was granted leave of absence for today and tomorrow on account of a death in the family.

Introduction of Bills

By the Committee on Rules (Mr. King of Manchester) House Joint Resolution No. 59, relative to a study as to protection of state employees when sued for actions while on duty for the state, was introduced, read a first and second time and referred to the Appropriations committee.

On motion of Mr. King of Manchester, printing of the House Joint Resolution No. 59, was dispensed with.

The Clerk read the resolution in full.

House Joint Resolution No. 59, Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state.

Resolved by the Senate and House of Representatives in General Court convened:

That the judicial council is directed to conduct a study to determine what action may be taken by the state for the protection of state employees who may be defendants in actions brought against them covering cases where they were engaged in official duties for the state. The council shall report its findings to the 1961 session of the legislature and shall include therewith a bill for submission to said session.

Mr. King of Manchester moved that the rules of the House be so far suspended as to dispense with reference to committee on House Joint Resolution No. 59 and that it be placed on third reading and final passage by caption only at the present time.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 59, a Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state, was read a third time, passed, and sent to the Senate for concurrence.

By the Committee on Rules (Mr. Gilman of Farmington) House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion, was in-

troduced, read a first and second time and referred to the Committee on Appropriations.

On motion of Mr. Gilman of Farmington, printing of House Joint Resolution No. 60 was dispensed with.

The Clerk read the resolution in full.

Joint Resolution providing additional funds for state advertising and promotion.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of sixty thousand dollars for the fiscal year ending June 30, 1960 and a like sum for the fiscal year ending June 30, 1961, are hereby appropriated for the purpose of providing additional funds for state advertising and promotional projects. It is the intent of the legislature in making this appropriation that the planning and development commission and the recreational division of forestry and recreation coordinate their promotional activities and the expenditure of funds for such purposes, including the sums provided in the budget acts as well as the additional sums hereby provided, in order that the greatest benefit may come from the funds spent for said purposes for the biennium. Provided further that no state funds shall be expended by said departments for promotional projects until the general programming for such projects shall be approved by the governor and council. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Mr. Gilman of Farmington explained the resolution and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to permit a committee hearing not previously advertised in the Journal for two days, and that the hearing be held at 10:00 o'clock tomorrow morning.

On a *viva voce* vote the motion was adopted.

Report of Committee on Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

House Bill No. 207, An Act relating to the operation of motor busses.

House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960.

House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Committee Report

Mr. Green of Manchester, for the Committee on Elections, to whom was referred the resignation of Albert N. Dion of Manchester, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the recommendation of the committee was adopted.

Mr. McCullough of Keene, for the Committee on Appropriations to whom was referred House Bill No. 518, An Act relative to authority for expenditures of special federal funds received by the public works and highways department, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division, having considered the same, reported the same with the recommendation that the bill ought to pass.

Mr. Hunter of Hampton offered the following amendment:

Amend the bill by inserting after section 1 the following new section:

2 *Hampton Beach.* The sum of four thousand dollars is hereby appropriated to reimburse the town of Hampton for the state's share of the lighting of the state Parking area at Hampton Beach, two thousand dollars of which shall be for the year 1959 and two thousand dollars for the year 1960. Said sum appropriated shall be a charge upon the general funds.

Further amend the bill by renumbering section 2 to read section 3.

The Clerk read the amendment in full.

Mr. Hunter of Hampton spoke in favor of the amendment.

(discussion ensued)

Mrs. Atwood of Sanbornton explained the bill.

(discussion ensued)

Mr. Kearns of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Bill No. 521, An Act relative to the library building at the University of New Hampshire, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Davis of Concord moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the state, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Galloway of Walpole moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. McCullough of Keene spoke against the motion.

(Mr. Pickett of Keene in the Chair)

(discussion ensued)

Mr. Gilman of Farmington spoke in favor of the motion.

(discussion ensued)

Mr. Belcourt of Nashua spoke against the motion.

The Chair declared a one hour recess.

After Recess

(Speaker in the Chair)

Mrs. Brungot of Berlin and the Messrs. Pickett of Keene, Coutermarsh of Lebanon, Fortier of Berlin, Crosby of Hillsborough and Mrs. Davis of Concord spoke in favor of the motion.

(discussion ensued)

Messrs. Sheridan of Berlin, Rowell of Newport and Hancock of Concord spoke against the motion.

Mr. Kimball of Manchester spoke in favor of the motion.

Mr. Kearns of Manchester moved the previous question and it was sufficiently seconded.

The question now being, shall the main question now be put.

On a *viva voce* vote the motion was adopted.

The question now being on the motion to substitute the words "Ought to Pass" for the words "Inexpedient to Legislate."

Mr. Converse of Pittsburg demanded the Yeas and Nays.

The roll was taken with the following result:

Yeas, 221

COOS COUNTY: Fortier, Perrault, Desilets, Brungot, Bouchard, Gagnon, Marsh, Oakes, Emerson, Crockett, Graham of Gorham, Bragg, Swett, Converse, Emery, Baker, Stinson, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Spollett of Chester, Clark, Kimball of Derry, Blair, Collshaw, Eastman of Exeter, Smith of Exeter, Weeks, Hunter, Junkins, Sanborn of Hampton Falls, Palmer of Kensington, Long, Shepard, Jenkins, Cheney, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross, Langford, Philbrick of Rye, Roulston, Felch, Robinson of South Hampton, Barker.

STRAFFORD COUNTY: Berry, Blanchette, Desjardins, Richardson, Flanagan, Bevan, Chase of Durham, Drew, Gilman of Farmington, Reid, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Habel, Cormier, Vincent.

BELKNAP COUNTY: Snow, Lacaille, Harkins, Norman, Ayre of Laconia, Prescott of Laconia, Varrell, Pickering of Meredith, Smith of Meredith, Urie, Howe.

CARROLL COUNTY: Brown of Sandwich, Duchano, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Laflamme, Dowd, Davis of Concord, Woodman, Lessels, Mannion, Gove, Chase of Concord, Rufo, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Lafond of Hooksett, Mulaire, Montgomery, London, Burleigh, Thibeault of Pembroke, McGrath, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Vadney, Hambleton, Nickerson of Goffstown, Taft, Pickering of Hancock, Crosby, Goodwin, Daneault, Gallagher, Ainley, Pettigrew, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Hart of Manchester, Nolan, Burke, Armstrong of Manchester, Casey, Clancy, O'Connor, Lafrance, Tessier, Compagna, Cary, Belanger, Hurley, Lafond of Manchester, Noel, Levasseur, Martel of Manchester, Ward 12, Maston, Daniel, DeGrace, Gauthier, Rousseau, Vachon, Deans, Cole, Cooper, Saunders, Underhill, Griffin of Nashua, May-

nard, Dionne of Nashua, Marcoux, Boisvert of Nashua, Ryan, Grandmaison, Latour, Sablusi, Bouthillier, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Turner, Stearns, Gordon of Jaffrey, Keating, Terrill, Miskelly, Kretowicz, Pickett, Oliver, Forbes, Allen, Hackler, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Angus, Nahil, Phillips, Davis of Cornish, Marx, Spalding, Philbrick of Springfield, Merrifield, Delude.

GRAFTON COUNTY: Bucklin, Plumer, Willey, Graham of Canaan, Chamberlin of Holderness, Beard, Coutermarsh, Guay of Lebanon, Porter, McGee, Armstrong of Littleton, Burrill, Kelley, Birch, Cushman, Kinghorn, Bradley of Thornton, Davis of Woodstock.

Nays, 108

COOS COUNTY: Sheridan, Potter, Bushey.

ROCKINGHAM COUNTY: Griffin of Auburn, Merrill, Spollett of Hampstead, Sheehy, Labranche, Twardus, Carter, Palmer of Plaistow, Waterhouse.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Grimes, Dunnington, Stonemetz, Colbath, Littlehale, Randall, Moulton, Rolfe, Hartigan, Maxfield, Watson of Rochester, Boisvert of Rollinsford, Brown of Strafford.

BELKNAP COUNTY: McAllister, Watson of Belmont, Lord, Karagianis, Atwood.

CARROLL COUNTY: Downs, Hill, Roberts, Nickerson of Madison, Nickerson of Tamworth, Hodgdon, Claflin.

MERRIMACK COUNTY: Moore, Bates, Henry, Hancock, Gibson, O'Neil of Concord, Saltmarsh, Maxham, Newell, Carpenter, Plourde, Ayer of Pittsfield, Stone.

HILLSBOROUGH COUNTY: Farwell, Herrick, Branch, Poore, Legallee, Lang, Sullivan, Tobin, Cullity, Manning, Ecker, Leclerc, Champagne, Morris, Bergeron, Kearns, King, Nalette, Crowley, Peaslee of Merrimack, Falconer, Belcourt, Trombly, Brosnahan, Pappagianis, Chartrain, Bissonette, Bouley, Thompson of New Ipswich.

CHESHIRE COUNTY: Gowing, Spofford, Haley, McCullough, Wheeler, Bennett, Brown of Keene, Bouvier.

SULLIVAN COUNTY: Frizzell, Gaffney, Bailey, Brown of Newport, Downing, Rowell.

GRAFTON COUNTY: Gilbert, Sanborn of Enfield, Hayward of Hanover, Monahan, Larty, McMeekin, Whipple, Haskins, Johnson of Monroe, Bell, Loizeaux, Barney, Breck.

Mrs. Christiansen of Berlin, voting Yes, paired with Mr. Lacasse of Berlin, voting No.

Mr. Green of Manchester, voting Yes, paired with Mr. Desnoyer of Claremont, voting No.

Mr. Healy of Manchester, Ward 5, voting Yes, paired with Mr. Walsh of Manchester, voting No.

Mr. Maloomian of Somersworth, voting Yes, paired with Mr. Healy of Manchester, Ward 6, voting No.

Mr. Peever of Salem, voting Yes, paired with Mr. Delisle of Manchester, voting No.

And the motion to substitute prevailed.

Mr. Galloway of Walpole offered the following amendment and moved its adoption.

Amend said bill by striking out all after the title and inserting in place thereof the following, so that said bill as amended shall read as follows:

Whereas, the welfare of the state will be advanced by accelerating the present program of highway construction and improvement; and

Whereas, advantages may be taken of federal funds in the 1960-1961 biennium for highway purposes not heretofore appropriated; now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 *Declaration of Purpose; Appropriation.* In order to provide funds for accelerating construction of the federal interstate highway systems and the federal primary, secondary and urban highway systems, the sum of thirty-one million dollars is hereby appropriated. Said appropriation shall be for the

1960-1961 biennium and shall be expended under the direction of the commissioner of public works and highways. Six million dollars of the appropriation shall be for the purpose of acceleration of work on Route 101 and Route 101-C. Twenty-five million dollars shall be used to construct and reconstruct the interstate, primary, secondary and urban highway systems in the same proportions as planned in the normal program and in accordance with the need as determined by the commissioner.

2 *Borrowing Authorized.* In order to obtain funds for the payment of a part of the appropriation authorized by section 1 hereof, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding fourteen million dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds and notes shall be deemed a pledge of the faith and credit of the state.

3 *Form.* The governor and council shall determine the form of such notes or bonds, their rate of interest, the dates when interest shall be paid, the date of maturities, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may sell such bonds or notes under the direction of the governor and council.

4 *Accounts.* The secretary of state shall keep an account of all such bonds or notes countersigned by the governor showing the number and amount of such bond or note, the time of countersigning, the time when payable and the date of delivery to the treasurer. The treasurer shall keep an account of such bond or note, showing the number and amount thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable.

5 *Short Term Notes.* Prior to the issuance of the bonds and notes authorized hereunder the treasurer, under the direction of the governor and council, may, for the purposes hereof, borrow money from time to time on short term loans which may be refunded by the issuance of the bonds or notes authorized hereunder, provided that at no time shall the indebtedness of the state on such short term loans exceed the sum of fourteen million dollars.

6 *Limitations.* All work authorized hereunder where federal funds are involved shall first be approved by the department of the federal government which is authorized to apportion or allocate federal funds. No state funds authorized hereinunder shall be spent for acquisition of rights-of-way, or construction, until federal approval is given for its share of such costs.

7 *Payment.* The appropriation made by section 1 hereof shall be a charge upon highway funds. The principal and interest of bonds or notes issued under the provisions hereof shall be a charge upon the highway funds.

8 *Takes Effect.* This act shall take effect upon its passage.

Mr. Galloway of Walpole spoke in favor of the amendment.

Messrs. Pillsbury of Manchester and Pickett of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mrs. Davis of Concord offered the following amendment and moved its adoption:

Amend the bill by adding at the end of section 6 the words "the six million dollars for the purposes of accelerating work on routes 101 and 101C shall not be raised and appropriated until the federal bureau of roads approves this route as a future interstate highway, so that said section as amended shall read as follows:

6 *Limitations.* All work authorized hereunder where federal funds are involved shall first be approved by the department of the federal government which is authorized to apportion or allocate federal funds. No state funds authorized hereinunder shall be spent for acquisition of rights-of-way, or construction, until federal approval is given for its share of such costs. The six million dollars for the purposes of accelerating work on routes 101 and 101C shall not be raised and appropriated until the federal bureau of roads approves this route as a future interstate highway.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Galloway of Walpole moved that the rules of the House be so far suspended as to permit House Bill No. 461, An Act

providing funds for an accelerated highway construction and improvement program for the state, to be placed on third reading and final passage, by title only, at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the state, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene moved that the House reconsider its vote whereby it passed House Bill No. 461 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 115, An Act relative to reciprocal fishing rights in the Connecticut River.

House Bill No. 204, An Act to authorize defendant to seek summary procedure for judgment in actions of contract and relating to joint tenancy.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 130, An Act increasing the rate for minimum wages, having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrence in the Senate amendment, that the Senate recede from its position in adopting its amendment and that the House and Senate concur in the passage of the bill with the following amendments:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 *Increase in Rate.* Amend RSA 279:21 (supp) as amended by 1955, 288:1 and 1957, 311:1 by striking out said section and inserting in place thereof the following: 279:21 *Minimum Hourly Rate.* No person, firm or corporation shall employ any employee at a rate of less than one dollar per hour with the following exceptions:

I. This limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins.

II. This limitation shall not apply to employees engaged as newsboys or golf caddies.

III. This limitation shall not apply to employees of hospitals, orphanages, or homes for the aged organized as non-profit corporations, except that no non-profit corporation or non-profit orphanage, or non-profit home for the aged shall employ a laundry employee or nurse aide or practical nurse at a rate of less than eighty cents per hour.

IV. No person, firm or corporation shall employ any employee as usher at a theatre or pin boy at a bowling alley at a rate of less than seventy-five cents per hour.

V. This limitation shall not apply to a person with less than six month's experience in an occupation, or a person eighteen years of age or under, provided that such person shall not be paid less than eighty cents per hour.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2 *Special Cases.* Amend RSA 279:22 (supp) as amended by 1955, 288:1 and 1957, 311:2 by striking out said section and inserting in place thereof the following: 279:22 *Commissioner of Labor.* Notwithstanding the provisions of section 21 a person whose earning capacity is impaired by age or physical or mental deficiency may be paid not less than eighty cents per hour provided a notice is filed by the employer with the labor commissioner within five days after such a person is employed. The commissioner, upon receipt of such notice, is authorized to determine whether the said employee is qualified under this section.

Amend section 4 of said bill by striking out the words "October 1," and inserting in place thereof the words, November 30.

GEORGE W. ANGUS,
STUART HANCOCK,
CLARENCE LACASSE,

Conferees on the Part of the House.

JAMES P. ROGERS,
LOUIS W. PAQUETTE.

Conferees on the Part of the Senate.

On motion of Mr. Angus of Claremont reading of the report was dispensed with.

On motion of Mr. Angus of Claremont the House concurred in the report of the Committee of Conference.

The Committee of Conference, to whom was referred House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture, having considered the same reported the same with the following recommendation:

That the House recede from its position of non concurrence and the Senate recede from its position in adopting its amendments to the bill and further recommends that the House and Senate concur in the adoption of the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Registration.* Amend RSA 260 by inserting after section 27 the following new section: 260:27-a *Foreign Cars.* The phrase "maker's list price" as used in section 27, in the case of motor vehicles of foreign manufacture, shall mean the advertised port of entry retail list price, less the manufacturer's motor vehicle excise tax imposed by the United States if said motor vehicle excise tax is included in the advertised port of entry retail list price, at New York, New York, regardless of the actual port through which said motor vehicle entered the United States.

2 *Effective Date.* This act shall take effect as of April 1, 1960, and shall also be effective for such motor vehicles of

foreign manufacture as may be registered prior to that date for the registration year beginning April 1, 1960.

N. A. McMEEKIN,
FERNE PRESCOTT,
WALTER J. BURKE,

Conferees on the Part of the House.

LAURIER LAMONTAGNE,
PAUL W. KARKAVELAS,

Conferees on the Part of the Senate.

On motion of Mr. McMeekin of Haverhill reading of the conference report was dispensed with.

Mr. McMeekin of Haverhill explained the report.

On motion of Mr. McMeekin of Haverhill the report of the Committee of Conference was adopted.

Senate Message

The Senate message announced that the Senate has passed a joint resolution with the following caption, in the passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 9, Joint Resolution in favor of Annie E. Ross.

Introduction of a Senate Joint Resolution

Senate Joint Resolution No. 9, Joint Resolution in favor of Annie E. Ross, was introduced, read a first and second time and referred to the Committee on Claims.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the adoption of an amendment to the following entitled bill, sent up from the House of Representatives and requests a Committee of Conference:

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges and relative to a certain bridge over the Merrimack River.

Mr. Rufo of Concord moved that the House accede to the request of the Honorable Senate.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. Rufo and Newell of Concord and Mr. Daniel of Manchester as Conferees on the Part of the House.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled House Joint Resolution, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

The sum of three thousand three hundred dollars is hereby appropriated to be expended as follows: the sum of fifteen hundred seven dollars and eighty-three cents to the Concord Hospital, the sum of four hundred fifty dollars to Robert O. Blood, M.D., and the sum of thirteen hundred forty-two dollars and seventeen cents to Rita Collyer for therapy treatments and doctors' bills. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated and the sums hereby appropriated shall be a full and complete settlement of the claim for the accident Miss Collyer suffered at the state house.

On motion of Mr. Pickett of Keene the House concurred in the amendment sent down by the Senate.

The Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following entitled bill:

House Bill No. 434, An Act relative to public water supplies.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 434 "An Act relative to public water supplies", having considered the same report the same with the recommendation that the Senate recede from its position in adopting its amendments, that the House recede from its position of nonconcurrence in the Senate amendments and that the House

and Senate concur in the adoption of the following amendments to the said bill:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Use of Fluorides.* Amend RSA 31 by inserting after section 17 the following new subdivision:

Public Water Supplies

31:17-a *Referendum.* Upon the written application of five percent, or three hundred or more of the voters in a town, whichever is the lesser, presented to the selectmen or one of them at least fifteen days before the day prescribed for an annual town meeting, the selectmen shall insert in their warrant for such meeting an article relative to the use of fluorides in the public water system for said town. If the town has an official ballot the town clerk shall insert on such ballot the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the public water system no fluorides shall be introduced into the public water system for said town, or if fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the town shall by majority vote approve of the use of fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said town, pursuant to a popular referendum previously conducted, the selectmen shall not insert such an article in the warrant nor shall such question be inserted on the official ballot except upon written application of not less than ten percent of the registered voters of said town.

2 *Cities.* Amend RSA 44 by inserting after section 15 the following new section: 44:16 *Public Water Supplies.* Upon the written application of five percent, or three hundred or more of the voters in any city, whichever is the lesser, presented to the city clerk prior to the municipal election the city clerk shall insert on the ballot to be used at said election the following question: "Shall permission be granted to introduce fluorides into the public water system?" Beside this question shall be printed the word "yes" and the word "no" with proper boxes

for the voter to indicate his choice. If a majority of the voters at said election do not approve the use of fluorides in the public water system for said city no fluorides shall be introduced into the public water system. If fluorides have prior to said vote been so introduced such use shall be discontinued until such time as the voters of the city shall by majority vote approve of the use of such fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said city, pursuant to a popular referendum previously conducted, the city clerk shall not insert the aforementioned question on the ballot to be used at the municipal election except upon written application of not less than ten percent of the registered voters of said city.

3 *Village Districts.* Amend RSA 52 by inserting after section 22 thereof the following new section: 52:23 *Public Water.* Upon the written application of five per cent of the voters in any village water district, presented to the commissioners or one of them at least fifteen days before the day prescribed for an annual meeting of the district, the commissioners shall insert in their warrant for such meeting an article relative to the use of fluorides in the water system of said district, and the district clerk shall prepare a ballot for said meeting with the following question: "Shall permission be granted to introduce fluorides into the district water system?" Beside the question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his choice. If a majority of the voters do not approve the use of fluorides in the district water system no fluorides shall be introduced into the district water system, or if fluorides have prior to said vote been so introduced, such use shall be discontinued until such time as the voters of the district shall by majority vote approve of the use of fluorides. Notwithstanding the foregoing, if fluorides are currently being introduced into the public water system of said district, pursuant to a popular referendum previously conducted, the commissioners shall not insert such an article in the warrant nor shall the district clerk prepare such a ballot except upon the written application of not less than ten percent of the registered voters of said district.

4 *Exception.* Nothing herein shall be construed as affecting an act passed at this session, approved May 29, 1959,

relative to a referendum on use of fluorides in the public water supply of the city of Concord.

5 *Takes Effect.* This act shall take effect sixty days after its passage.

RUSSELL G. CLAFLIN,
MARJORIE L. ROULSTON,
ERNEST R. COUTERMARSH,
Conferees on the Part of the House.

NELLE L. HOLMES,
JOHN E. BUNTEN,
Conferees on the Part of the Senate.

The Senate Message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds.

Amend sub-section 443-A:7 of section 1 of said bill by adding after the words "New Hampshire" in line 4 thereof the following new words, acting under the authority and direction of the department of agriculture, so that said sub-section as amended shall read as follows:

443-A:7 *Inspections.* Inspections of all premises as described in 443-A:1 shall be made, at reasonable times, but in no case less frequently than every six months. Any duly appointed agent of any humane society or S.P.C.A. incorporated in the state of New Hampshire acting under the authority and direction of the department of agriculture or an official representative of the department of agriculture may make said inspections at any reasonable time.

On motion of Mr. Claflin of Wolfeboro the House concurred in the amendment sent down by the Senate.

The Senate Message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 290, An Act relative to the destruction of records of conditional sales and chattel mortgages.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An Act relative to the destruction of records of conditional sales contracts.

Further amend section 1 of said bill by striking it out and inserting in place thereof the following new section:

1 *Destruction of Certain Records.* Amend RSA by inserting after chapter 361, section 10 the following new section:

361:10-a *Destruction of Certain Records Authorized.* Any town or city clerk may destroy at the end of ten years from the date of filing, records of conditional sales contracts in his possession.

On motion of Mr. Deans of Milford the House concurred in the Senate amendments.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 115, An Act relative to reciprocal fishing rights in the Connecticut River.

House Bill No. 204, An Act to authorize defendants to seek summary procedures for judgment in actions of contracts to which there is no defense.

House Bill No. 493, An Act relative to public swimming pools.

House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act.

House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959, in the town of Enfield.

House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting.

House Bill No. 519, An Act ratifying certain action taken by the Carroll County Convention.

House Bill No. 222, An Act relative to so-called timber tax.

House Bill No. 99, An Act relative to porcupines.

House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated.

House Bill No. 514, An Act relating to motor vehicle road toll.

Resolutions

Mr. Sheridan of Berlin offered the following resolutions:

Whereas, the members of the legislature have had difficulty in finding places for parking their motor vehicles during the legislative session, and

Whereas, the city of Concord has been attempting to work out a plan for legislative parking, now there

Resolved by the House of Representatives, the Senate concurring:

That the speaker of the House of Representatives appoint three members of the House and the President of the Senate appoint two members of the Senate to act as interim committee for the purpose of consulting with the officials of the city of Concord in order to develop some plan for use of parking space in the city of Concord for members of the legislature during the legislative sessions. Said committee shall report its findings and recommendations to the 1961 session of the legislature.

On a *viva voce* vote the resolutions were adopted.

Mr. McGee of Lincoln offered the following resolutions:

Whereas, the tragic death of two Connecticut youths has brought home to us the dangers of mountain climbing in the kind of changeable weather usual to our state, and

Whereas, under the most perfect conditions such a climb is most hazardous, even to experienced mountain climbers, therefore be it

Resolved, That we, the members of the House of Representatives of New Hampshire, in General Court convened, do hereby offer our heartfelt appreciation to the members of the Appalachian Mountain Club who undertook the dangerous task of going to the assistance of two young men, stranded on Cannon mountain: Attorney David Sanderson of Portsmouth, Spencer Wright of Keene, John E. Taylor of Princeton, Massachusetts, John C. Perry of Needham, Massachu-

setts, Robert L. Collins of Brookline, Massachusetts, Irving Meredith, Junior of Littleton, Massachusetts, Lyle M. Richardson, Junior, of Wrentham, Massachusetts, Lyle Richardson of Foxboro, Massachusetts, John Perry of Sherborn, Massachusetts, H. Adams Carter of Milton, Massachusetts, Kenneth A. Henerdson of Woban, Massachusetts, William L. Putnam of Springfield, Massachusetts, Carl Vernillyear of Newton, Massachusetts, David Belander of Wheatley, Massachusetts, Sergeant Leslie Hurley and Sergeant Donald Jennings of Northfield, Vermont (and the U. S. Army), Roger Damon of St. Johnsbury, Vermont, and to Dr. Harry McDade of Littleton, and be it further

Resolved, That a copy of these resolutions be forwarded to the Secretary of the Appalachian Mountain Club and to Dr. McDade.

On a *viva voce* vote the resolutions were adopted.

Mr. Angus of Claremont offered the following resolutions:

Whereas, Arthur L. Bradbury, Representative from Claremont, Ward 1, is ill and is confined to the Mary Hitchcock Hospital in Hanover, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to Representative Bradbury.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Pillsbury of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for two days on House Bill No. 395, An Act relative to additional grants of school building aid, and spoke in favor of the motion.

Mrs. Atwood of Sanbornton spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion was not adopted.

The Chair announced that today was the birthday of Messrs. Rousseau of Manchester and Mr. Larty of Haverhill.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit third reading of bills by title only, and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Readings

The following House Bills were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 518, An Act relative to authority for expenditures of special funds received by the public works and highways department.

House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division.

House Bill No. 521, An Act relative to the library building at the University of New Hampshire.

On motion of Mrs. Hayward of Hanover the House adjourned at 4:25 o'clock.

THURSDAY, SEPTEMBER 10, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

O Thou All-Seeing Eye, Who knowest the secrets of our hearts and our needs better than we ourselves, help us to remove from our thoughts this day all barriers which separate us from our fellowmen. Let our thoughts and our words be in harmony with our actions. Devote us to truth and bless us with the spirit of love with which to express the truth. We would commit ourselves in these last days of legislative action to utilize every opportunity to serve faithfully and wisely the people of our State. Amen.

Pledge of Allegiance to the Flag

Mrs. Johnson of Monroe led the Convention in the Pledge of Allegiance to the Flag.

House

Introduction of Guests

The Chair introduced the following as guests of the House today:

Judge Thomas Pryor of Ashland, courtesy of Mr. Chamberlain of Holderness.

Mr. and Mrs. Norman J. McMeekin and son John A. McMeekin, courtesy of Mr. McMeekin of Haverhill.

Mrs. Albert Pritchard of Concord and Mr. Colin Taylor of London, England, courtesy of Mr. Comi of Concord.

Communications

September 9, 1959

Hon. Stewart Lamprey, Speaker
House of Representatives
Concord, New Hampshire

Dear Mr. Speaker:

Due to the fact that I am going to take a federal position, I hereby tender my resignation to the House of Representatives, effective Friday, September 25, 1959.

Sincerely,

M. ROY LONDON,

Rep. from New London

September 9, 1959

Hon. Stewart Lamprey, Speaker
House of Representatives
Concord, New Hampshire

Dear Mr. Speaker:

Due to the fact that I am going to take a federal position, I hereby tender my resignation to the House of Representatives, effective Friday, September 25, 1959.

Sincerely,

GEORGE L. CHENEY,

Rep. from Newton

September 9, 1959

Hon. Stewart Lamprey, Speaker
House of Representatives
Concord, New Hampshire

Dear Mr. Speaker:

Due to the fact that I am going to take a federal position, I hereby tender my resignation to the House of Representatives, effective Friday, September 25, 1959.

Sincerely,

TRACY M. SPALDING,
Rep. from Plainfield.

To the Speaker and Members of the 1959 House:

My deep, sincere and grateful thanks to the members for their remembrances of cards, flowers, candy, literature, visits and resolutions wishing me recovery from illness caused by my accident at the state house. My special thanks and appreciation for the House Joint Resolution appropriating money to help defray expenses of this illness. Not to be with you has been a hard cross to bear, and especially being unable to continue my writing in Washington this year where I could have been much of the time when not in the House. One left alone has many serious problems after having had the care of and losing one's family, and your kind, thoughtful help is doubly appreciated. God bless you all and keep you well and happy 'til we meet again.

RITA COLLYER,
Rep. from Lisbon.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to allow the introduction of a committee report not previously advertised in the Journal for today and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester, for the Committee on Elections, to whom was referred the resignation of M. Roy London of New London, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the resignation was accepted.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to allow the introduction of a committee report not previously advertised in the Journal for today and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester, for the Committee on Elections, to whom was referred the resignation of Tracy M. Spalding, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the resignation was accepted.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to allow the introduction of a committee report not previously advertised in the Journal for today and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester, for the Committee on Elections, to whom was referred the resignation of George L. Cheney, having considered the same, reported the same with the recommendation that the resignation be accepted.

On a *viva voce* vote the resignation was accepted.

Reports of Standing Committees

Mr. Clement of Rochester, for the Committee on Appropriations, to whom was referred House Bill No. 395, An Act relative to additional grants of school building aid, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mrs. Weeks of Greenland, for the Committee on Education, to whom was referred Senate Bill No. 106, An Act relative to school district reports, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Shepard of Londonderry, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 23, Joint Resolution to provide protection for Boar's Head at Hampton, having considered the same, reported the same with

the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out the word "fifty" in the first line and inserting in place thereof the word, twenty, so that said resolution as amended shall read as follows:

That the sum of twenty thousand dollars is hereby appropriated to be expended by the department of public works and highways for protection of the shoreline from erosion at Boar's Head in the town of Hampton. The sum hereby appropriated shall be used to continue the so-called rip rap construction from the end of the said construction on the south around Boar's Head to the same type of construction on the north. The work hereunder shall be completed on or before June 30, 1960. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove, having considered the same, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the caption of said joint resolution by adding at the end thereof the words, and in favor of Marion Alexander so that said caption as amended shall read as follows:

for a study of debris and aquatic plants in Chandler's Cove and in favor of Marion Alexander

Amend the joint resolution by striking out the "five" in the first line and inserting in place thereof the word, two, and by striking out the words "recreation division of the forestry and recreation commission" in the second and third lines and inserting in place thereof the words, public works division, and further amend said joint resolution by adding after the word "Sunapee" in the fifth line the words, That the sum of \$1000 be given to Marion Alexander, legal research assistant,

in recognition of outstanding service to the legislature, so that said joint resolution as amended shall read as follows:

That the sum of one thousand two hundred dollars is hereby appropriated to be expended by the public works division for the purpose of an investigation as to the cause and the remedy for the accumulation of debris and aquatic plants in Chandler's Cove, Lake Sunapee.

That the sum of \$1000 be given to Marion Alexander, legal research assistant, in recognition of outstanding service to the legislature. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

Mr. King of Manchester explained the amendment.

(discussion ensued)

On a *viva voce* vote the amendments were adopted and the bill was ordered to a third reading.

Mr. Clement of Rochester, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

On a *viva voce* vote the Senate Joint Resolution was ordered to a third reading.

Mrs. Davis of Concord, for the Committee on Appropriations, to whom was referred House Bill No. 144, An Act relative to boiler and pressure vessel inspection, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Green of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwelling, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Housing Standards.* Amend RSA by inserting after chapter 48 the following new chapter:

CHAPTER 48-A

Housing Standards

48-A:1 *Definitions.* The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

I. "Municipality" shall mean any city or town in this state.

II. "Governing Body" shall mean, in a city, that governing body which is designated as such by the charter of the particular city; in a town, the town meeting.

III. "Dwelling" shall mean any building, structure, trailer, mobil-home or camp or part thereof, used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith.

IV. "Public Officer" shall mean the public officer designated by an ordinance, code or by-law to exercise the powers authorized in this chapter.

48-A:2 *Grant of Power.* Whenever the governing body of any municipality finds that there exists in such municipality dwellings which are unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents, or other calamities, unhealthful lack of ventilation or sanitary facilities, or due to other unhealthy or hazardous or delapidated conditions, including those set forth in section 4 hereof, power is hereby conferred upon such municipality to adopt ordinances, codes, or by-laws to cause the repair, closing, or demolition or removal of such dwellings in the manner herein provided.

48-A:3 *Provisions of Ordinances, Codes and By-Laws.* Such ordinances, codes and by-laws shall include the following provisions:

I. That the public officer shall be the person holding the administrative position as the head of the health department of the municipality or any other public official by title designated or appointed to exercise the powers prescribed by the ordinances, codes or by-laws.

II. That whenever a petition is filed with the public officer by at least ten residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer by inspection that any dwelling is unfit for human habitation, he shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the public officer at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before such public officer.

III. That if, after such notice and hearing, the public officer determines according to the standards of the ordinance, code or by-law that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a

human habitation; or if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to remove or demolish such dwelling.

48-A:4 *Procedure for Enforcement.* If the owner fails to comply with an order, made pursuant to the provisions of section 3 hereof, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling; the public officer may file a petition in the superior court in which he shall set forth the charges issued pursuant to paragraph II of said section 3, as well as any other allegations bearing upon the fitness of the dwelling for human habitation. The court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgagees and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that if the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. The court shall set a date for hearing such charges and additional allegations, such date to be not later than fifteen days after the filing of said petition. Upon hearing, the matter shall be treated as *de novo*, and the court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.

48-A:5 *Order of the Court.* The court shall as soon as practicable issue its order upon said petition; and if the court finds the dwelling complained against is unfit for human habitation due to any of the causes or conditions enumerated in section 48-A:2, such order shall direct the public officer to repair, alter, or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost; or if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value

of the dwelling and the ability of the owner to assume such cost, to remove or demolish such dwelling.

48-A:6 *Lien*. Whenever the public officer shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated, and shall be recorded by him. If the dwelling is demolished by the public officer, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

48-A:7 *Standards for Public Officer*. An ordinance, code or by-law adopted by a municipality pursuant hereto shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are unusually, abnormally, or unreasonably dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality. Such conditions may include the following: Defects which increase beyond normal the hazards of fire, accident, or other calamities; lack of reasonable adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; dangerous structural defects; uncleanness; over-crowding; inadequate ingress and egress; inadequate drainage; or any violation of other health, fire or safety regulations.

48-A:8 *Additional Provisions of Ordinances, Codes, or By-Laws*. An ordinance, code or by-law adopted by the governing body of the municipality may authorize the public officer and his delegated officers to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(I) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;

(II) to administer affirmations, examine witnesses and receive evidence;

(III) to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(IV) to appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of such ordinance, code or by-law; and

(V) to delegate any of his functions under such ordinance to such officers as they may designate.

48-A:9 *No Abrogation of Other Powers of Municipalities.* Nothing herein shall be construed to abrogate or impair the powers of the courts or of any governing body, city council, or department of any municipality to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

48-A:10 *No Abrogation of Powers of Municipalities as to Nuisances.* Nothing in this chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

48-A:11 *Minimum Standards; Barring the Use or Occupancy. Violations or Punishment.* Any municipality may (by ordinance adopted by its governing body):

(a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality;

(b) prevent the use or occupancy of any dwelling which is injurious to the public health, safety, or welfare.

48-A:12 *Exceptions.* Notwithstanding any other provision of this act, no dwelling shall be determined to be unfit

for human habitation under the provisions of this act if it meets the usual requirements of laws and customs which were in effect at the time it was built, and it is maintained in reasonably good repair and condition by current standards and its condition is not such as to endanger the public health or safety; and it is further provided that notwithstanding any other provision of this act, no dwelling shall be determined to be unfit for human habitation under the provisions of this act if it were originally built, by, for, or on behalf of the United States government, or any agency thereof, and if it is presently maintained in reasonably good repair and condition by current standards; and any housing ordinance, code or by-law adopted by any municipality under the authority of this act shall be subject to this provision whether or not this provision is specifically included therein.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

Mrs. Brungot of Berlin spoke against the bill with pending amendment and requested Mr. Green of Manchester to explain the amendment.

(Mr. Gilman of Farmington in the Chair)

Mr. Green of Manchester explained the bill.

(discussion ensued)

Mrs. Dondero of Portsmouth spoke against the bill.

Mr. Pickett of Keene spoke in favor of the committee report.

(Speaker in the Chair)

Mr. Jenkins of New Castle spoke in favor of the committee report.

Mr. Plumer of Bristol moved the previous question and it was sufficiently seconded.

The question now being, Shall the main question now be put?

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit third reading of Senate Bill No. 35, by title only, at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings, was read a third time, passed, and sent to the Senate for concurrence in the House amendments.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed Senate Bill No. 35, and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

Reports of Engrossed Bills Committee

Mr. Shepard of Londonderry and Mr. Newell of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959 in the town of Enfield.

House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting.

House Bill No. 514, An Act relating to motor vehicle road toll.

House Bill No. 519, An Act ratifying certain action taken by the Carroll County convention.

House Bill No. 166, An Act relative to the practice of professional nursing.

Point of Personal Privilege

Mr. Gilman of Farmington rose on a point of personal privilege and explained to the House that Mrs. Mabel Thompson Cooper's name was inadvertently omitted in the Journal for today as a member of the committee honoring Miss Marion G. Alexander, through an error.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Joint Committee on Judiciary and Banks, to whom was referred Senate Bill No. 174, An Act to investigate expenses incurred due to the failure of Valley Trust Company of Penacook with a view to ascertaining possible future benefits for innocent depositors of said institution, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

At the request of Mr. Pillsbury of Manchester, Mr. Crosby of Hillsborough explained the resolution of the committee.

On a *viva voce* vote the resolution was adopted.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 198, An Act relative to taking hellgrammites.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Taking of Hellgrammites.* Hellgrammites may be taken and possessed only from June twentieth to October thirty-first in any one year. Hellgrammites may be bought and sold for bait by licensed resident bait dealers only, as required by RSA 214:34.

2 Amend RSA 214:34 by inserting the words, or hellgrammites, after the word smelt in the second line so that said section shall read as follows: 214:34. *License Required.* No person shall sell or offer to sell fresh water smelt or hellgrammites for bait without first procuring a license so to do and the fee for such license shall be five dollars.

3 *Takes Effect.* This act shall take effect as of October 1, 1959.

On motion of Mr. Spalding of Plainfield the House non-concurred in the Senate amendment and asks for a Committee of Conference. The Chair appointed a Committee of Conference naming Mr. Lamprey of Moultonborough, Mrs. Lord of Gilford and Mr. King of Manchester as Conferees on the part of the House.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 417, An Act to change ward lines in the city of Laconia.

Amend the description of Ward No. 1 as inserted by section 1 of said bill by striking out the words and figures "east (90°) to" in the eleventh line and inserting in place thereof the words, west from, so that said description as amended shall read as follows:

Ward No. 1 shall contain all that territory in said city included within, and bounded by the following lines: Beginning at the westerly shore of the Winnepesaukee river easterly of and on an extension of the center line of Lyford street, thence extending westerly along said extension of the center line of Lyford street, to the center of Main street, thence extending northerly through the center of Main street to its junction with Pleasant street, north of Opeechee Park, so-called, thence in a straight line due west to Lake Winnisquam, thence northerly on said lake to the Meredith town line; bounded northerly by the Meredith town line from point of intersection on Lake Winnisquam to Lake Winnepesaukee; bounded easterly by the shore of Lake Winnepesaukee and the westerly boundary of ward 6 to a point of intersection with a straight line extended due west from the junction of the center line of Union avenue and Messer street, thence easterly through said line to the junction of Union avenue and Messer street, thence southerly through the center line of Messer street to the center line of Irving street, thence bounded easterly by the westerly boundary of ward 2 to a point opposite the center line of Lyford street extended easterly, thence westerly to the point begun at.

Amend the description of Ward No. 2 as inserted by section 1 of said bill by inserting after the words "and of said avenue" in the sixth line the words, meaning and intending to include all those houses on the westerly side of said avenue, so that said description as amended shall read as follows:

Ward No. 2 shall include all that part of said city contained within the territory described as follows: Commencing on the easterly shore of Round Bay or Lake Opechee where the present boundary of ward 2 commences, thence extending easterly on a straight line through the center of Irving street to the westerly side of Cottonwood avenue, thence northerly along the westerly side of Cottonwood avenue to the end of said avenue, meaning and intending to include all those houses on the westerly side of said avenue, thence easterly to the Gilford town line, thence bounded easterly by the Gilford town line to a point opposite the extension of a straight line drawn through the southerly sideline of Locust street, thence westerly along said extended straight line to the center line of Union avenue, thence northerly through the center line of Union avenue to the center line of Jewett street, thence westerly through the center line of Jewett street to the easterly shore of the Winnepesaukee river, thence northerly by the easterly shore of the Winnepesaukee river and the easterly shore of Round Bay or Lake Opechee, to the point begun at.

Amend the description of Ward No. 3 as inserted by section 1 of said bill by inserting before the words "Main street" in the third line the word, North, so that said description as amended shall read as follows:

Ward No. 3 shall contain all that part of the city contained within the territory described as follows: commencing at the intersection of the center line of Pleasant street with the westerly side line of North Main street, thence extending southerly through the center line of Pleasant street and through the center line of Main street to the southerly shore of the Winnepesaukee river at the bridge, thence extending northerly along the easterly shore of said river to the southeasterly corner of the Mill street bridge, so called, thence extending southeasterly on a straight line to a point in the center line of Union avenue opposite the southerly side line of Locust street, thence extending northerly through the center line of Union avenue to a point opposite the center line of

Jewett street to the easterly shore of the Winnepesaukee river, thence extending northerly by the easterly shore of said river to the southerly line of ward 1, thence westerly and northerly on line of ward 1 to the first mentioned bound.

Mr. Harkins of Laconia moved that reading of the amendment be dispensed with.

On a *viva voce* vote the resolution was adopted.

Mr. O'Shan of Laconia moved that the House concur in the amendments sent down by the Senate.

Mr. Normandin of Laconia explained the amendment.

On a *viva voce* vote the House concurred in the Senate amendment.

Mr. Kearns of Manchester moved that the Committee of Conference on House Bill No. 442 be discharged and that a new committee be appointed and explained the reason for the motion.

Mr. Green of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the Chair appointed Messrs. Kearns, Ecker and Pillsbury from Manchester as Conferees on the Part of the House.

The Chair declared a one hour recess.

After Recess

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 332, An Act relative to inspectors of election, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence and concur with the Senate in the adoption of the Senate amendment.

N. A. McMEEKIN,
EDWIN W. EASTMAN,
FRANK J. GRIMES,

Conferees on the Part of the House.

CECIL CHARLES HUMPHREYS,
LUCIEN BERGERON,

Conferees on the Part of the Senate.

On motion of Mr. McMeekin of Haverhill the House concurred in the Committee of Conference report.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 336, An Act naming Hubbard Cove and providing for a parking area and boat launching ramp in Seabrook near the Hampton river toll bridge and for certain land acquisition.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act naming Hubbard Cove and providing for a parking area and boat launching ramp in Seabrook near the Hampton river toll bridge and for certain land acquisition.

Amend said bill by inserting after section 1 the following new sections:

2 *Parking Area and Boat Launching Ramp.* The sum of sixteen thousand five hundred dollars is hereby appropriated for the purpose of the construction of a parking area and a boat launching ramp on state land located near the south end of the Hampton river toll bridge in the town of Seabrook. The appropriation hereunder shall be expended by the department of public works and highways and said area and ramp, when constructed, shall be maintained by said department. The governor and council shall fix the fees to be charged for the use of the facilities hereby authorized and said fees shall be credited to the public works and highways department for maintenance of the area and ramp and any balance of said fees shall be paid into the state treasury. The sum hereby appropriated shall be a charge upon the general funds of the state and the governor is authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

3 *Payment for Land Acquisition.* The sum of six thousand dollars is hereby appropriated to cover the cost of acquisition of land at Hampton Harbor which was heretofore

acquired by the state in eminent domain proceedings. Of the appropriation made hereunder three thousand dollars shall be a charge against any unexpended balance of the appropriation provided by paragraph VIII, section 1, chapter 293, Laws 1957 and the sum of three thousand dollars shall be a charge against any unexpended balance of the appropriation provided by section 2, chapter 293, Laws 1957.

Further amend said bill by striking out section 2 and inserting in place thereof the following renumbered section 4:

4 *Takes Effect.* This act shall take effect upon its passage.

The bill and pending amendments were referred to the Committee on Appropriations.

The Senate message further announced that the Senate has voted to adopt the reports of the Committees of Conference to the following entitled House Bills:

House Bill No. 130, An Act increasing the rate for minimum wages.

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

Resolutions

Mr. Gilman of Farmington offered the following resolution:

Resolved, That all legislative equipment and supplies, with the exception of such permanently located in the Sergeant-at-Arms room, be stored during the interim between legislative sessions in Room 303-a, Speaker's office, Room 303-A, House Stenographer's office, and Room 303-B, House Clerk's office, and that nothing shall be removed from these rooms without the consent of the Speaker of the House. The Speaker's office shall be kept for legislative interim meetings.

On a *viva voce* vote the resolution was adopted.

Announcements

The Chair announced that today is the 72nd birthday of Mr. Varrell of Laconia.

The Chair appointed Mr. Plumer of Bristol, Mrs. Brown of Sandwich and Mr. Sheridan of Berlin as a committee to study parking problems while the Legislature is in session.

Mr. Kearns of Manchester moved that when the House adjourns today it be in honor of the new baby recently born to Mr. and Mrs. John Pillsbury of Manchester.

On a *viva voce* vote the motion was adopted.

Personal Privilege

Mr. Pillsbury of Manchester and Mr. Pickett of Keene rose on a point of personal privilege.

Senate Messages

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the State.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Declaration of Purpose: Appropriation.* In order to provide funds for accelerating construction of the federal interstate system of highways, the federal primary, secondary and urban highway systems, and on the system of state highways, the sum of thirty-one million dollars is hereby appropriated. Said appropriation shall be for the 1960-1961 biennium, and shall be expended under the direction of the Commissioner of Public Works and Highways.

Amend section 6 of said bill by striking out the same and inserting in place thereof the following:

6 *Limitations.* All work authorized hereunder where federal funds are involved shall first be approved by the department of the federal government which is authorized to apportion or allocate federal funds. No state funds authorized hereunder shall be spent for acquisition of rights-of-way, or construction, until federal approval is given for its share of such costs.

Mrs. Davis of Concord moved that the House concur in the Senate amendments.

Messrs. Pillsbury of Manchester, Gilman of Farmington, Angus of Claremont, Kearns of Manchester and Mrs. Brungot of Berlin spoke in favor of the motion.

On a *viva voce* vote the House concurred in the Senate amendments.

Reconsideration

Mr. Galloway of Walpole, having voted with the majority, moved that the House reconsider its vote whereby it concurred in the amendments sent down from the Senate on House Bill No. 461 and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The Senate message further announced that the Senate has passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 79, An Act authorizing the purchase of health and accident insurance by towns for town employees.

Introduction of a Senate Bill

Senate Bill No. 79, An Act authorizing the purchase of health and accident insurance by towns for town employees, was introduced, read a first and second time, and referred to the Committee on Insurance.

The Senate message further announced that the Senate has voted to adopt the Committee of Conference report on the following entitled bill.

House Bill No. 332, An Act relative to inspectors of elections.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 332, An Act relative to inspectors of election, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence and concur with the Senate in the adoption of the Senate amendment.

CECIL CHARLES HUMPHREYS,
LUCIEN BERGERON,
Conferees on the Part of the Senate.

N. A. McMEEKIN,
EDWIN W. EASTMAN,
FRANK J. GRIMES,
Conferees on the Part of the House.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the adoption of the amendment sent up from the House of Representatives to the following entitled Senate bill:

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways, and request a Committee of Conference.

And the President appointed on such committee on the part of the Senate, Senators Adams and Bergeron.

Mr. Galloway of Walpole moved that the House accede to the request of the Senate for a Committee of Conference on Senate Bill No. 59.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. Galloway of Walpole, Newell of Concord and Fortier of Berlin as Conferees on the Part of the House.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following bill sent up from the House of Representatives:

House Bill No. 436, An Act relative to certain islands in great ponds.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 86, An Act providing for the election of county commissioners for the county districts of Merrimack County.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act providing for election of county commissioners for Merrimack county by districts for a two-year period.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Merrimack County*. There shall be chosen at the biennial election of 1960, by ballot, by the inhabitants of the

several towns in each of the commissioner districts, in Merrimack county qualified to vote for state senators, one county commissioner. Said county commissioners shall take office on January first 1961 and shall hold the same for two years and until his successor is chosen and qualified.

2 *Commissioner Districts.* For the purpose of the election of county commissioner for the election of 1960 the county of Merrimack is divided into three districts and each district is entitled to elect one commissioner. District 1. The following wards of the city of Concord, 4, 5, 6, 7, 8, and 9. District 2. Andover, Boscawen, Canterbury, Chichester, Concord, wards 1, 2 and 3, Danbury, Franklin, Hill, Loudon, New London, Northfield, Salisbury, Webster, and Wilmot. District 3. Allentown, Bow, Bradford, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Newbury, Pembroke, Pittsfield, Sutton and Warner. No person is eligible to the office of county commissioner for a district of Merrimack county unless he is a resident of said district. The inhabitants of the county of Merrimack, for the biennial election of 1960 may vote for not more than one candidate from said district. The candidate receiving the highest number of votes in any one district shall be declared elected county commissioner from that district.

3 *Application of Statutes.* For the period during which this act is in effect the provisions of RSA 64:1 (supp) as amended by 1955, 261:1 and 1955, 317:1, RSA 64:2 (supp) as amended by 1955, 261:3 and 1955, 317:3, paragraph III of RSA 64:11 and RSA 64:12 (supp) as amended by 1955, 317:4 in so far as they relate to the county of Merrimack are hereby suspended.

4 *Takes Effect.* This act shall take effect for the nomination and election of Merrimack county commissioners at the biennial election in 1960, only, and shall be effective for a two-year period only, during the term of office of county commissioners elected at that time, namely January 1, 1961 to December 31, 1962. Nothing herein shall be construed as affecting the term of office or the qualifications of county commissioners of Merrimack county in office at the time this act takes effect nor to nomination and election of county commissioners of Merrimack county commissioners at elections subsequent to the biennial election of 1962 and subsequent thereto.

Mr. Rufo of Concord moved that reading of the amendment be dispensed with and that the House non-concur in the Senate amendment and that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. Woodman of Concord, Rufo of Concord and Charland of Franklin as Conferees on the Part of the House.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to permit third reading of bills by title only, House Joint Resolutions by caption only, and that when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On a *viva voce* vote the motion was adopted.

Third Readings

The following House Bills and House Joint Resolutions were severally read a third time, passed, and sent to the Senate for concurrence:

House Bill No. 395, An Act relative to additional grants.

House Joint Resolution No. 23, Joint Resolution to provide protection for Boar's Head at Hampton.

House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove and in favor of Marion Alexander.

House Bill No. 144, An Act relative to boiler and pressure vessel inspection.

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

On motion of Miss Faulkner of Keene the House adjourned at 3:10 o'clock.

TUESDAY, SEPTEMBER 15, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

Eternal God, as we approach the termination of this Legislative Session grant unto us an appreciative understanding of what has transpired.

As we recall differences among us, cause us also to give thanks for the independence of honest conviction and the courage of forthright expression. As we remember works that were left undone, hopes that were not fulfilled, grant that we may be grateful as well of our privilege as a free people, living in a land in which the worth of persons is a reality implicit in our practices.

Renew within us that faith in the power of goodness to win out in the process of time and in the practices of men, reassuring us with a new confidence in the final wisdom of the people and their elected representatives, these tenets of democracy.

Accept then, O Lord, our praise as we look to Thee for guidance in our every walk and way. Amen.

Pledge of Allegiance to the Flag

Mrs. Prescott of Brentwood led the Convention in the Pledge of Allegiance to the Flag.

House

The Chair introduced Mr. and Mrs. P. L. Broadwell of Mason City, Iowa as guests of the House today, courtesy of Mr. Comi of Concord.

Leaves of Absence

Mrs. Ayer of Pittsfield and Mr. Nickerson of Goffstown were granted leave of absence for the day on account of important business.

Mr. Hackler of Swanzey was granted leave of absence for the week on account of illness.

Mrs. Atwood of Sanbornton moved that House Bills 457 and 458 (Budget Bills) be recalled from the Governor and spoke in favor of the motion.

(discussion ensued)

Speaker's Ruling

The Chair ruled that to recall the bills from the Governor it will require a majority vote.

Mr. Urie of New Hampton spoke against the motion.

Mrs. Atwood of Sanbornton requested a division vote.

A division being had and 23 members having voted in the affirmative and 228 members having voted in the negative, the motion to recall the budget bills did not prevail.

The following members requested that they be recorded as having voted in the affirmative on the previous motion: Messrs. Crosby of Hillsborough, Moore of Bradford, King of Manchester and Mrs. Atwood of Sanbornton.

Introduction of House Joint Resolutions

House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn, was introduced, read a first and second time and referred to the Committee on Appropriations.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 61.

The Clerk read the resolution in full.

There are hereby appropriated sufficient funds to provide that Robert Dearborn of Plymouth, a state police employee who was injured in line of duty, so that his total compensation including the amounts received under the provisions of RSA 281:5, 6 shall equal two-thirds of the total compensation he was receiving at the time of said injury. The payment of said sums shall continue during the period of his disability from said injury. Provided further that insofar as recovery may be made to him as a result of a suit brought on account of said injury the state shall be reimbursed for the sums herein provided over and above the amounts paid

on account of the so-called workmen's compensation payments. The necessary sums for the purposes of this resolution shall be a charge upon the highway funds and any sums received hereunder shall be credited to said highway fund.

On a *viva voce* vote the motion was adopted.

House Joint Resolution No. 62, Joint Resolution relating to special study by the judicial council as to injuries to state employees, was introduced, read a first and second time and referred to the Committee on Executive Departments and Administration.

The Clerk read the resolution in full.

The judicial council is directed to make a study and prepare recommendations covering the question of state policy for the payment of additional compensation to state employees who are injured while performing official duties for the state. The study shall take into consideration the present statutory provisions for coverage of state employees under the workmen's compensation law, RSA 281. The judicial council shall make a report of its study hereunder to the 1961 legislature.

Mr. McMeekin of Haverhill moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 62, reference to committee, and that House Joint Resolution No. 62 be placed on third reading and final passage, by caption only, at the present time, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 62, Joint Resolution relating to special study by the judicial council as to injuries to state employees, was read a third time, passed, and sent to the Senate for concurrence.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills reported that they have examined and found correctly engrossed the following entitled House bills and captioned House joint resolution:

House Bill No. 99, An Act relative to porcupines.

House Bill No. 130, An Act increasing the rate for minimum wages.

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacture.

House Bill No. 222, An Act relative to the so-called timber tax.

House Bill No. 377, An Act adopting the Uniform Reciprocal Enforcement of Support Act.

House Bill No. 407, An Act to provide for cumulative pocket supplements for Revised Statutes Annotated.

House Bill No. 417, An Act to change the ward lines in the city of Laconia.

House Bill No. 434, An Act relative to public water supplies.

House Bill No. 436, An Act relative to certain islands in great ponds.

House Bill No. 461, An Act providing funds for an accelerated highway construction and improvement program for the state.

House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer.

House Bill No. 290, An Act relative to the destruction of records of conditional sales contracts.

Reports of Standing Committees

Mr. Galloway of Walpole, for the Committee on Public Works, to whom was referred House Bill No. 505, An Act providing for improvement of Newport-Croydon road, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Downing of Newport moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Downing withdrew his motion to substitute.

Point of Personal Privilege

Mr. Rowell of Newport spoke on a point of personal privilege.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

On a *viva voce* vote the motion was adopted.

Mr. Spofford of Jaffrey, for the Committee on Appropriations, to whom was referred House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton, having considered the same, reported the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit House Bill No. 491 to be placed on third reading and final passage at the present time by title only.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

On a *viva voce* vote the motion was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate.

Mr. Gilman of Farmington moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. King of Manchester spoke against the motion.

(discussion ensued)

Mr. Kimball of Manchester spoke in favor of the motion.

The Chair declared a one hour recess.

After Recess

His Excellency, Governor Wesley Powell, appeared before the House and presented a gavel to Speaker Lamprey.

The question before the House is on the motion to substitute the words "Ought to Pass" for "Inexpedient to Legislate" on House Joint Resolution No. 60.

Messrs. Monahan of Hanover, Green of Manchester and Miss Whipple of Lebanon spoke against the motion.

Mr. Coutermarsh of Lebanon and Mr. Pickett of Keene spoke in favor of the motion.

(Mr. Deans of Milford in the Chair)

Messrs. McMeekin of Haverhill, Urie of New Hampton and Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. Oliver of Marlborough spoke against the motion.

(Speaker in the Chair)

Messrs. Sheridan of Berlin and Crosby of Hillsborough spoke against the motion.

Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Angus of Claremont moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

Mr. Urie of New Hampton requested a division.

A division being had and 176 members having voted in the affirmative and 129 members having voted in the negative the motion to substitute prevailed.

Mr. Sheridan of Berlin demanded the Yeas and Nays.

The roll having been called with the following results:

Yeas, 201

COOS COUNTY: Fortier, Brungot, Christiansen, Gagnon, Lacasse of Berlin, Marsh, Oakes, Emerson, Crockett, Bragg, Swett, Styles, Converse, Emery, Baker, Taylor.

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Clark, Kimball of Derry, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Hunter, Junkins, Shepard, Jenkins, Sheehy, Labranche, Twardus, Cheney, Pinkham, Palmer of Plaistow, Dondero, Keefe, Foote, Murch, Wood, Dame, Wardwell, Blaisdell, White of Portsmouth, Ward 4, White of Portsmouth, Ward 5, Ingraham, Carkin, Cross, Langford, Philbrick of Rye, Roulston, Felch, Robinson of South Hampton, Barker.

STRAFFORD COUNTY: Berry, Blanchette, Desjardins, Dunnington, Colbath, Richardson, Flanagan, Bevan, Drew, Gilman of Farmington, Reid, Maxfield, Watson of Rochester, Lacasse of Rochester, St. Pierre, Johnson of Rochester, Clement of Rochester, Boisvert of Rollinsford, Maloomian, Habel, Cormier, Vincent.

BELKNAP COUNTY: Snow, Lacaillade, Ayre of Laconia, Prescott of Laconia, Varrell, Smith of Meredith, Urie, Howe.

CARROLL COUNTY: Hill, Diffenderfer, Brown of Sandwich, Hodgdon, Chamberlain of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Laflamme, Dowd, Davis of Concord, Woodman, Lessels, Robinson of Concord, Mannion, Rufo, Carr, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Leonard, Carpenter, Montgomery, McGrath, Hunt, Bigelow, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Aucella, Herrick, Vadney, Hambleton, Poor, Taft, Pickering of Hancock, Goodwin, Ainley, Danforth, Geisel, Goode, Kimball of Manchester, Pillsbury, Hart of Manchester, Nolan, Betley, Healy of Manchester, Ward 5, Armstrong of Manches-

ter, Clancy, O'Connor, LeClerc, Tessier, Compagna, Cary, Belanger, Lafond of Manchester, Levasseur, Maston, Daniel, DeGrace, Rousseau, Deans, Falconer, Cole, Cooper, Saunders, Underhill, Griffin of Nashua, Maynard, Dionne of Nashua, Chartrain, Bissonette, Sablusi, Locke, Dutton, Draper.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Turner, Stearns, Terrill, Miskelly, Kretowicz, Pickett, Forbes, Bouvier, Congdon, Ballam, Galloway, Terry, Frost, Sawyer.

SULLIVAN COUNTY: Angus, Nahil, Phillips, Marx, Spalding, Merrifield, Delude.

GRAFTON COUNTY: Bucklin, Plumer, Willey, Graham of Canaan, McMeekin, Chamberlain of Holderness, Beard, Coutermarsh, Guay of Lebanon, Burrill, Kelley, Birch, Cushman, Kinghorn, Bradley of Thornton, Breck, Davis of Woodstock.

Nays, 131

COOS COUNTY: Perrault, Sheridan, Graham of Gorham, Potter, Bushey, Stinson.

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Gay of Derry, Spollett of Hampstead, Long, Carter, Peever, Waterhouse.

STRAFFORD COUNTY: Leighton, Wiggin of Dover, Grimes, Stonemetz, Calcutt, Littlehale, Randall, Moulton, Rolfe, Hartigan, Varney.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Harkins, Normandin, O'Shan, Pickering of Meredith, Atwood.

CARROLL COUNTY: Downs, Nickerson of Madison, Nickerson of Tamworth, Claflin.

MERRIMACK COUNTY: Phelps, Moore, Bates, Henry, Hancock, Gibson, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Gove, Comi, Lafond of Hooksett, Plourde, Thibeault of Pembroke, Stone.

HILLSBOROUGH COUNTY: Farwell, Branch, Crosby, Daneault, Gallagher, Legallee, Green, Pettigrew, Sullivan, Tobin, Cullity, Burke, Manning, Walsh, Casey, Healy of Man-

chester, Ward 6, Lafrance, Champagne, Delisle, Morris, Bergeron, King, Hurley, Noel, Martel of Manchester, Ward 12, Nalette, Gauthier, Crowley, Vachon, Peaslee of Merrimack, Belcourt, Trombly, Brosnahan, Pappagianis, Marcoux, Ryan, Bouley, Grandmaison, Latour, Bouthillier, Thompson of New Ipswich, Eastman of Weare,

CHESHIRE COUNTY: Gowing, Gordon of Jaffrey, Spofford, Haley, Keating, McCullough, Bennett, Brown of Keene, Faulkner, Oliver, Allen.

SULLIVAN COUNTY: Frizzell, Gaffney, Burrows, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Rowell, Philbrick of Springfield.

GRAFTON COUNTY: Gilbert, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Larty, Porter, Whipple, Haskins, Johnson of Monroe, Bell, Loizeaux, Barney.

Mr. Sanborn of Hampton Falls voting Yes, paired with Mr. Ecker of Manchester voting No.

The motion to substitute prevailed, and House Joint Resolution No. 60 was ordered to a third reading at 3:00 o'clock this afternoon.

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today on House Bill No. 503, An Act relative to the New Hampshire State Port Authority.

On a *viva voce* vote the motion did not prevail.

Mr. Tobin of Manchester moved that House Joint Resolution No. 44, Joint Resolution establishing a committee to investigate certain union activities, be called from the Labor Committee and referred to the Legislative Council.

Mr. Tobin subsequently withdrew his motion.

Senate Messages

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 177, An Act providing a bounty for killing rattlesnakes.

Introduction of a Senate Bill

Senate Bill No. 177, An Act providing a bounty for killing rattlesnakes, was introduced, read a first and second time, and referred to the Committee on Appropriations.

Mr. Galloway of Walpole moved that reference to committee be dispensed with and that Senate Bill No. 177 be placed on third reading and final passage at the present time and subsequently withdrew his motion.

Report of Committee of Conference

The Committee of Conference, to whom was referred Senate Bill No. 59 entitled "An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways", having considered the same, reported the same with the recommendation that the Senate recede from its position of nonconcurrence in the adoption of the amendment offered by the House of Representatives, that the House recede from its position in the adoption of its amendment to said bill and that the House and Senate concur in the adoption of the following amendment to said bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of state highways.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *State Highways.* Amend RSA 232 by adding at the end thereof the following new section: 232:7 *Acquisition of Interests in Land.* When the construction or alteration of any state highway requires the taking of land or rights therein in which a public utility has a property interest by agreement with the public utility owning such interest, the department of public works and highways may acquire by layout under the layout statute applicable to the highway in question or by purchase and subject to the approval of the governor and council convey to said public utility, in mitigation of such damages as said public utility may be entitled to on account of the taking of its property interest, such land or rights in

land as may be necessary to provide a substitute property interest.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

BENJAMIN C. ADAMS,
LUCIEN E. BERGERON,

Conferees on the Part of the Senate.

ROBERT L. GALLOWAY,
HENRY C. NEWELL,
GUY FORTIER,

Conferees on the Part of the House.

On motion of Mr. Galloway of Walpole reading of the conference report was dispensed with.

Mr. Galloway of Walpole moved that the House concur in the Committee of Conference report.

On a *viva voce* vote the House concurred.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

Amend Section 1 of the bill by striking out the first five lines after the word "appropriation" and inserting in place thereof the following: The sum of six hundred sixty-three thousand five hundred ten dollars is hereby appropriated for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment and furnishings as are necessary to complete the same. The estimated costs for the projects are as follows:

Further amend Section 1 of the bill by striking out paragraph "II" and inserting in place thereof the following:

II Department of education:

(a) Keene teachers college:

Rewiring Huntress Hall \$18,100.00

Acquisition of land, eighteen acres more or less, adjoining present athletic field	20,000.00
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(b) Plymouth teachers college:

Electrical entrance and feeders	5,500.00
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Acquisition of so-called Pemigewasset Hotel property	55,000.00
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(c) Manchester technical
institute:

Overhaul burner and repair refractory	1,500.00
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Paint buildings — one coat	1,600.00
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(d) Portsmouth technical
institute:

Replace oil burner and retube boiler	3,500.00
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Reconstruct roof over classroom	6,000.00
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Reconstruct roof over elevator well	850.00
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Paint buildings one coat and repair windows	1,400.00
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Total	<u>\$113,450.00</u>
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Further amend Section 1 of the bill by striking out paragraph III, and inserting in place thereof the following:

III. Industrial school:

Rebrickng boilers	\$4,850.00
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Detention home	165,000.00
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Total	<u>\$169,850.00</u>
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Further amend Section 1 by striking out at the end of the section the words and figures "Total 440,510.00" and inserting in place thereof, Total \$663,510.00

Amend Section 5 of the bill by striking out said section and inserting in place thereof the following:

5 *Borrowing Power.* To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of six hundred sixty-three thousand five hundred ten dollars (\$663,510.00); to provide funds for the appropriations made in section 2 hereof not exceeding the sum of eighty-one thousand seven hundred seven dollars (\$81,707.00); and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Amend section 9 of the bill by striking out said section and inserting in place thereof the following:

9 *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purpose hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of the state on short term loans exceed the following sums: (1) not exceeding the sum of six hundred sixty-three thousand five hundred ten dollars for borrowing to provide funds for the purposes of section 1; and (2) not exceeding the sum of eighty-one thousand seven hundred seven dollars for borrowing to provide funds for the purposes of section 2.

Mr. Rowell of Newport moved that reading of the amendment be dispensed with and that the House non-concur in the amendment sent down by the Senate and that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. Rowell of Newport, Clement of Rochester and Belcourt of Nashua as Conferees on the Part of the House.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 309, An Act relative to powers of the Superior Court on immunity of witnesses.

Amend section 2 of the bill by adding at the end of said section the following: provided nothing herein shall affect pending litigation, so that said section as amended shall read as follows:

Section 2 *Takes Effect.* This act shall take effect upon its passage provided nothing herein shall effect pending litigation.

Mr. Crosby of Hillsborough moved that the House concur in the Senate amendment and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough moved that the House unanimously consent to changing the last word in the amendment from legislation to litigation and no objection was noted and the change was ordered to the amendment.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the adoption of the amendments to Senate Joint Resolution No. 5, An Act authorizing a study to determine a feasible location of a multiple-use state park on Ossipee Lake and Willard Pond and requests a Committee of Conference.

The President named to said committee, Senators Battles and Bergeron.

On motion of Mr. Monahan the House acceded to the request of the Senate and the Chair appointed Messrs. Monahan of Hanover, Diffenderfer of Ossipee and Habel of Somersworth as Conferees on the Part of the House.

The Senate message further announced that the Senate refuses to concur with the House of Representatives in the adoption of the amendments to Senate Bill No. 35, An Act

authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings and requests a Committee of Conference. The President named to said committee Senators Humphreys and Daniel.

On motion of Mr. Green of Manchester the House acceded to the request of the Senate and the Chair appointed Messrs. Green of Manchester, Peever of Salem and Tobin of Manchester as Conferees on the Part of the House.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 201, An Act to allow the State to take advantage of federal benefits to education under the national defense education act of 1958.

Amend section 2 of said bill by striking out the words "thirty thousand eight hundred thirty-six dollars and seventy-six cents" and inserting in place thereof the words, twenty thousand dollars, and by striking out the words "thirty-one thousand one hundred seventy-three dollars and seventy-eight cents" and inserting in place thereof the words, twenty thousand dollars. Further amend said section by adding at the end thereof the words, Provided further that the state appropriation hereunder shall be available for expenditure only if federal funds are granted under said national defense act, so that said section as amended shall read as follows:

2 *Appropriations.* For the purpose of meeting the obligations of the state in providing funds for the state's share in the program for education aid under the provisions of RSA 186:11-a to 186:11-d as inserted by section 1 of this act there are hereby appropriated for the fiscal year ending June 30, 1960, the sum of twenty thousand dollars and for the fiscal year ending June 30, 1961 the sum of twenty thousand dollars. Said appropriation shall be a continuing appropriation and shall not lapse. The state board of education shall expend the funds appropriated by the state together with such sums as may be received from the federal government under provisions of

the National Defense Education Act of 1958 and any amendments thereto. The state board of education shall allocate the funds appropriated by the state and received from the federal government among the several programs described in RSA 186:11-d in such manner as it shall determine and in accordance with all applicable federal legislation and regulations. The governor is authorized to draw his warrants for the sums appropriated by the state out of any money in the treasury not otherwise appropriated. Provided further that the state appropriation hereunder shall be available for expenditure only if federal funds are granted under said national defense act.

Mr. Clement of Rochester moved that reading of the amendments be dispensed with and that the House concur in the Senate amendments and spoke in favor of the motion.

On a *viva voce* vote the House concurred in the Senate amendments.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 493, An Act relative to public swimming pools.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 Takes Effect. This act shall take effect sixty days after its passage.

On motion of Mrs. Goodwin of Hollis the House concurred in the Senate amendments.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following House bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 106, An Act relating to discharge or removal from office of county employees.

Amend section 1 of said bill by inserting after the word "office" in line 16 thereof the following new words: Said em-

ployee shall then have the right of appeal from such order to the Superior Court, so that said section as amended shall read as follows:

1 *County Employees.* Amend RSA 28 by inserting after section 10 the following new section: 28:10-a *Removal from Office.* Any county employee, except the superintendent of the county farm, who has served at least one year shall not be discharged or removed from office except for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform his duties as a county employee. Prior to the discharge or removal of any such employee a statement of the grounds and reasons therefor shall be prepared by the county commissioners and signed by a majority of the board and notice thereof shall be given to said employee not less than ten days nor more than thirty days prior to the effective date of such discharge or removal. Upon receipt of such notice the employee may request a public hearing thereon before the county commissioners. If upon such hearing said commissioners shall find good cause for discharge or removal of said employee they shall order his discharge or removal from office. Said employee shall then have the right of appeal from such order to the Superior Court. The salary of said employee shall terminate on the effective date of his discharge, provided that if good cause shall not be found for his discharge and he shall be reinstated, the salary of said employee shall be paid from the date of discharge.

On motion of Mr. Comi of Concord reading of the amendments were dispensed with and the House non-concurred in the Senate amendments and a Committee of Conference was appointed by the Chair as follows: Messrs. Deans of Milford, Comi of Concord and Desnoyer of Claremont.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following captioned joint resolution, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 59, Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state, and relative to membership on the special committee to study the apportionment of representatives.

Amend the caption of said Resolution by striking out the same and inserting in place thereof the following:

Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state and relative to membership on the special committee to study the apportionment of representatives.

Amend said Resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the judicial council is directed to conduct a study to determine what action may be taken by the state for the protection of state employees who may be defendants in actions brought against them covering cases where they were engaged in official duties for the state. The council shall report its findings to the 1961 session of the legislature and shall include therewith a bill for submission to said session. Whereas a joint resolution has been enacted, approved September 8, 1959, providing for a special committee to study the problem of apportionment of representatives and whereas the committee presently consists of five members, the president of the Senate is directed to appoint two members of the Senate to serve as additional members of said special committee, making a total of seven members of the committee.

The Clerk read the amendments in full.

Mr. Rowell of Newport moved that the House non-concur in the Senate amendments and spoke in favor of the motion.

(discussion ensued)

Mr. McMeekin of Haverhill moved that the House concur in the Senate amendments and spoke in favor of the motion.

Mrs. DeLude of Unity spoke in favor of the motion.

Mr. McMeekin of Haverhill withdrew his motion to concur and moved that the House non-concur in the Senate amendments and that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. McMeekin of Haverhill, Rowell of Newport and King of Manchester as Conferees on the Part of the House.

Mr. Plourde of Pembroke moved that the House discharge the Committee of Conference on House Bill No. 86, An Act providing for election of County Commissioners for the county district of Merrimack County, and spoke in favor of the motion.

Mr. Woodman of Concord spoke against the motion.

(discussion ensued)

On a *viva voce* vote the motion did not prevail.

The Senate message further announced that the Senate has voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 198, An Act relative to taking hellgrammites, and the President appointed to said committee Senators Cheney and Eaton.

The Senate message further announced that the Senate has voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 86, An Act providing for the election of county commissioners for the county districts of Merrimack County, and the President appointed to said committee Senators Dunlap and Bunten.

The Senate message further announced that the Senate has voted to adopt the Committee of Conference report to the following Senate Bill:

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the laying out, construction or alteration of state highways.

The Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference to the following House Bill.

House Bill No. 332, An Act relative to inspectors of election.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 332, An Act relative to inspectors of election, having considered the same, reported the same with the recommendation that the House recede from its position of non-

concurrence and concur with the Senate in the adoption of the Senate amendment.

N. A. McMEEKIN,
EDWIN W. EASTMAN,
FRANK J. GRIMES,

Conferees on the Part of the House.

CECIL CHARLES HUMPHREYS,
LUCIEN BERGERON,

Conferees on the Part of the Senate.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 294, An Act establishing an administrative committee for municipal courts.

House Bill No. 406, An Act providing for the publication of the commercial code as a part of the Revised Statutes Annotated.

House Bill No. 437, An Act providing funds for the administrative committee of the probate courts.

Engrossed Bills Report

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, to whom was referred House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds, having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect as of January 1, 1960.

On motion of Mrs. Goodwin of Hollis the House concurred in the amendment.

Resolutions

Mr. Bouvier of Swanzev offered the following resolutions for the Cheshire County Delegation:

Whereas, Jacob M. Hackler, Representative from Swanze, is ill and a patient at the Elliot Community Hospital in Keene, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, extend our sympathy to our Fellow Member in his illness and our best wishes for a speedy recovery to health, and be it further

Resolved, That the Clerk of the House transmit a copy of these Resolutions to Representative Hackler.

On a *viva voce* vote the resolutions were adopted.

Mrs. Hayward of Hanover moved that when the House adjourns today it be in honor of Miss Faulkner of Keene who is about to start a trip around the world and that we wish her God speed and a safe return.

On a *viva voce* vote the motion was adopted.

Communication

September 14, 1959

The Honorable Stuart Lamprey
Speaker of the House of Representatives
New Hampshire General Court
Concord, New Hampshire

MY DEAR MR. LAMPREY:

The Crotched Mountain Foundation wishes to extend a cordial invitation to the New Hampshire General Court to a buffet supper and demonstration at the Crotched Mountain Rehabilitation Center. Our treasurer, Mr. Harry A. Gregg, well-known to so many of you, wishes me to convey his warmest greetings and to say that you and your fellow members will be his personal guests at supper.

The growth of the work of this nationally-known Center has been truly phenomenal and our citizens are increasingly expressing their pride in the vital work that is taking place on this New Hampshire mountainside.

Not only have over 300 crippled children been helped toward a new-found independence here but visitors have come to see the work at first-hand from all but four of our fifty states and from thirty countries abroad. Although the largest number of children treated at Crotched Mountain have been from New Hampshire, nonetheless children have been

benefited from 23 other states, as well as from four countries (Canada, Germany, Venezuela, Israel).

The honorable member of the House of Representatives, George G. Draper of Wilton, who is a Founder of Crotched Mountain, has very kindly offered to convey this invitation to you and to do all he can to make the evening possible.

You will have an opportunity to see at first-hand, through a demonstration, the progress of some of our children. We will be proud to show you our film CROTCHED MOUNTAIN, U. S. A. which the distinguished actress Helen Hayes has so kindly narrated for us, and you would be able to view our soon-to-open Adult Center.

Naturally, we would be pleased to set a time and date suitable to you and your fellow members. We would only need to know the number expecting to attend.

Cordially,

GEORGE ALAN SMITH,
Director of Public Relations.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit the third reading of a House Joint Resolution by caption only and that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

Third Reading

House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Pickett of Keene, having voted with the majority, moved that the House reconsider its vote whereby it passed House Joint Resolution No. 60, and spoke against the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Taylor of Whitefield the House adjourned at 4:48 o'clock.

WEDNESDAY, SEPTEMBER 16, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

As the wind strengthens and the effects of the north air are felt with the oncoming of the Autumn, we are called to witness Thy presence in the beauty on every hand. Each breath of stimulating air, each tree clothed in leaves turning ever more vivid reminds us of Thee. How then can we neglect to honor Thy presence in our human affairs, inded Thy presence even within our hearts? Reconsecrate us, O Lord, each one in the faith of our fathers, a faith made ever new by our sincere implementation of it in our daily business. Renew the hearts and spirits of all gathered in this General Court as together we near the conclusion of this Session. Amen.

Pledge of Allegiance to the Flag

Mr. Bouley of Nashua led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Mr. Deans of Milford was granted an indefinite leave of absence on account of important business.

Mr. Ryan of Nashua was granted an indefinite leave of absence on account of illness.

Mr. Rice of Peterborough was granted a leave of absence for the day on account of illness.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 294, An Act establishing an administrative committee for municipal courts.

House Bill No. 406, An Act providing for the publication of the Commercial Code as a part of the Revised Statutes Annotated.

House Bill No. 437, An Act providing funds for the administrative committee of the probate courts.

Mrs. Atwood of Sanbornton moved that the record of the Journal of September 15th on page 4 be corrected.

The Chair requested unanimous consent of the House to have the sentence referred to, stricken from the record and it was so recorded.

Reports of Standing Committees

Mr. Clement of Rochester, for the Committee on Appropriations to whom was referred House Bill No. 503, An Act relative to the New Hampshire State Port Authority, having considered the same, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Authorization.* Amend RSA 271-A (supp) as inserted by 1957, 262:1, by inserting after section 12 the following new section: 271-A:13 *Acquisition of Land.* The authority, with the approval of the governor and council, may, in the name of the state, purchase, lease or otherwise acquire lands or interests in land, including options, on, near or adjacent to the tidal waters of the state suitable for the construction of piers, wharves, warehouses or other facilities useful and necessary in the encouragement and development of commercial navigation. Before making any such purchase or acquisition, the authority shall submit to the governor and council a detailed description of the land or interests therein to be acquired, together with a statement of the purposes for which the property is suited and the cost of acquisition and estimated cost of development, as well as such other information as the governor and council shall require. The authority, with the approval of the governor and council, may accept gifts of land; and may in like manner accept and apply to the purchase of land or the development thereof, contributions, gifts or aid in any form made or given for the purpose by any person, firm or corporation, or by any municipality or by the United States, and may execute instruments necessary to qualify for such contributions, gifts or aid.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 *Appropriation.* The sum of one hundred and twenty-five thousand dollars is hereby appropriated for expenditure by the New Hampshire State Port Authority with the approval of the governor and council, for the purposes of RSA 271-A:13 provided that of said sum not to exceed one hundred thousand dollars may be expended for the acquisition of land, and not to exceed twenty-five thousand dollars may be expended for engineering and promotional services. To provide funds for such appropriation, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding said sum of one hundred and twenty-five thousand dollars, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of interest. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The appropriation hereunder shall be a continuing appropriation and shall not lapse.

Amend section 4 of said bill by striking out the words "one million dollars" and inserting in place thereof the words, one hundred and twenty-five thousand dollars, and by striking out the figure "14" at the end of said section so that said section as amended shall read as follows:

4 *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purpose hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of the state on short term loans, exceed the sum of one hundred and twenty-five thousand dollars for borrowing to provide funds for the purposes of RSA 271-A:13.

Mr. Clement of Rochester moved that reading of the amendments be dispensed with.

On a *viva voce* vote the motion was adopted.

The question now being on the amendments as offered by the committee.

Mr. Clement of Rochester spoke in favor of the amendments.

(discussion ensued)

Mr. Dunnington of Dover spoke against the amendments.

(discussion ensued)

Mr. King of Manchester spoke in favor of the amendments.

Mr. Pillsbury of Manchester spoke against the amendments.

(discussion ensued)

Mr. Merrill of Exeter spoke against the amendments.

Mrs. Dondero and Mr. Wardwell of Portsmouth spoke against the amendments.

Mr. Pillsbury of Manchester spoke a second time against the amendments.

(discussion ensued)

On a *viva voce* vote the amendments were not adopted.

Mr. Clement of Rochester offered the following amendment and moved its adoption.

Amend said bill by inserting after section 5 the following new section:

6 *Limitations.* Notwithstanding any other provisions of RSA 271-A:13 and 14, as hereinbefore inserted the governor and council shall not authorize the construction of piers, wharves, warehouses or other facilities until they have substantial evidence that such construction will be self liquidating. For the purpose of engineering and promotional services the port authority is authorized to expend a sum not to exceed twenty thousand dollars. Said sum shall be a charge upon the appropriation made by section 2.

Further amend said bill by renumbering section 6 to read section 7.

The Clerk read the amendments in full.

Mr. Pickett of Keene spoke in favor of the amendments.

(discussion ensued)

On a *viva voce* vote the amendments were adopted and the bill was ordered to a third reading.

Mr. Clement of Rochester moved that the rules of the House be so far suspended as to place House Bill No. 503 on third reading and final passage, by title only, at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 503, An Act relative to the New Hampshire State Port Authority, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mr. Clement of Rochester moved that the House reconsider its vote whereby it passed House Bill No. 503 and spoke against the motion.

On a *viva voce* vote the motion was not adopted.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

On a *viva voce* vote the motion was adopted.

Mr. Bigelow of Warner, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 9, Joint Resolution in favor of Annie E. Ross, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

On a *viva voce* vote the Senate Joint Resolution was ordered to a third reading.

Mr. Bigelow of Warner moved that the rules of the House be so far suspended as to place Senate Joint Resolution No. 9 on third reading and final passage at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Joint Resolution No. 9, Joint Resolution in favor of Annie E. Ross, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Report of Committee of Conference

The Committee of Conference, to whom was referred Senate Joint Resolution No. 5, An Act authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond, having considered the same, reported the same with the recommendation that the Senate recede from its position of non-concurrence in the adoption of the amendment offered by the House of Representatives, and concur with the House of Representatives in its adoption.

NATHAN BATTLES,
LUCIEN E. BERGERON,

Conferees on the Part of the Senate.

NAPOLEON W. HABEL
MARCUS E. DIFFENDERFER,
ROBERT S. MONAHAN,

Conferees on the Part of the House.

On motion of Mr. Galloway of Walpole the House concurred in the conference report.

Senate Messages

The Senate message announced that the Senate has voted to adopt the report of the Committee of Conference on the following Senate bill:

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways.

The Senate message further announced that the Senate has voted to accede to the request for a Committee of Conference on the following House bill:

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the State of New Hampshire, and the President named as members of such committee Senators Cummings and Caron.

The Senate message further announced that the Senate has voted to accede to the request for a Committee of Conference on the following House bill:

House Bill No. 106, An Act relative to discharge or removal from office of county employees, and the President appointed on the Part of the Senate as members of such committee, Senators Karkavelas and Paquette.

The Senate message further announced that the Senate has voted to accede to the request for a Committee of Conference on the following House joint resolution:

House Joint Resolution No. 59, Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state, and relative to membership on the Special Committee to study the apportionment of Representatives, and the President appointed as conferees to such committee on the part of the Senate, Senators Lamontagne and Bennett.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds.

Resolutions

Mr. Brosnahan of Nashua offered the following resolutions for the Nashua Delegation:

Whereas Frank Ryan, Representative from Nashua, is ill in St. Joseph's Hospital, Nashua, therefore be it

Resolved, That we, the members of the House of Representatives of the General Court of New Hampshire, express our sympathy to our Fellow Member in his illness and our very best wishes for a speedy return to health, and be it further

Resolved, That the Clerk of the House transmit to Representative Ryan a copy of these resolutions.

On a *viva voce* vote the resolutions were adopted.

The Chair declared a one hour recess.

After Recess

Mr. Rowell of Newport moved that the rules of the House be so far suspended as to permit the introduction of a House Joint Resolution not previously considered by the Rules Committee.

On a *viva voce* vote the motion prevailed.

Introduction of a House Joint Resolution

House Joint Resolution No. 63, Joint Resolution relative to Appropriations Committee room and contents, was read a first and second time and referred to the Committee on Appropriations.

Mr. Rowell of Newport moved that printing of the House Joint Resolution be dispensed with and the rules of the House be so far suspended as to dispense with reference to committee, public hearing, and that the bill be put on third reading and final passage, by caption only, at the present time.

The Clerk read the resolution in full.

House Joint Resolution No. 63, Joint Resolution relative to the Appropriations Committee room and contents.

That the Appropriation rooms and their contents be assigned to the office of Remick Leighton, Legislative Budget Assistant. Permission for use of said rooms shall be obtained from the above mentioned Remick Leighton.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 63, Joint Resolution relative to Appropriations Committee room and contents, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Clement of Rochester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today. (House Bill No. 353).

On a *viva voce* vote the motion was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1960-1961, having considered the same, reported the same with the recommendation that the bill ought to pass.

At the request of Mrs. Cole of Nashua, Mr. Clement of Rochester explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Clement of Rochester moved that the rules of the House be so far suspended as to place House Bill No. 353 on third reading and final passage at the present time by title only.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1960-1961, was read a third time, passed, and sent to the Senate for concurrence.

Senate Messages

The Senate message announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 332, An Act relative to inspectors of election.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 *Inspectors of Election.* Amend RSA 59:30 by striking out said section and inserting in place thereof the following: 59:30 *Appointment.* After holding a caucus as provided by RSA 56:73 or RSA 56:87, each town and ward political committee of the two political parties which cast

Amend section 5 of said bill by striking out the first line of said section and inserting in place thereof the following:

5 *Selectmen.* Amend RSA 59:35 by striking out said section and inserting in place thereof the following: 59:35 *Vacancies.* In case of any vacancies,

Further amend said bill by renumbering the last section of said bill to read section 7.

On motion of Mr. McMeekin of Haverhill the House concurred in the Senate amendment.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage

of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 516, An Act relative to authority of commissioner of public works and highways.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 Takes Effect. This act shall take effect upon its passage.

On motion of Mr. Galloway of Walpole the House concurred in the Senate amendment.

The Senate message further announced that the Senate has passed a Senate Joint Resolution with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 10, Joint Resolution relative to an interim study committee to study the fiscal practices and needs of the Fish and Game Department.

Introduction of a Senate Joint Resolution

Senate Joint Resolution No. 10, Joint Resolution relative to an interim study committee to study the fiscal practices and needs of the Fish and Game Department, was introduced, read a first and second time, and referred to the Committee on Fish and Game.

On motion of Mr. Cheney of Newton the rules of the House were so far suspended as to dispense with the committee reference and public hearing, and Senate Joint Resolution No. 10 was placed on third reading and final passage at the present time by caption only.

Third Reading

Senate Joint Resolution No. 10, Joint Resolution relative to an interim study committee to study the fiscal practices and needs of the Fish and Game Department, was read a third time, passed, and sent to the Secretary of State to be engrossed.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which

amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2 *Takes Effect.* This act shall take effect October 1, 1959.

On motion of Mr. Cheney of Newton the House concurred in the Senate amendments.

The Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following captioned Senate joint resolution:

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond.

Committee of Conference

The Committee of Conference, to whom was referred Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond, having considered the same, reported the same with the recommendation that the Senate recede from its position of non-concurrence in the adoption of the amendment offered by the House of Representatives, and concur with the House of Representatives in its adoption.

NATHAN BATTLES,
LUCIEN E. BERGERON,

Conferees on the Part of the Senate.

NAPOLEON A. HABEL,
MARCUS E. DIFFENDERFER,
ROBERT S. MONAHAN,

Conferees on the Part of the House.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following captioned joint resolution sent up from the House of Representatives:

House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 472, An Act providing for original motor vehicle licenses.

House Bill No. 518, An Act relative to authority for expenditures of special funds received by the public works and highways department.

House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division.

House Bill No. 521, An Act relative to the library building at the University of New Hampshire.

House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton.

Mr. King of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (House Joint Resolution No. 27) and spoke in favor of the motion.

(discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 27, Joint Resolution providing for a zoo at Mt. Sunapee state park, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out the words "five hundred" in the first line and inserting in place thereof the words, three thousand, and by striking out the word "for" in the third line and inserting in place thereof the words, of and for the maintenance of, so that said joint resolution as amended shall read as follows:

That the sum of three thousand dollars is hereby appropriated to be expended by the recreation division of the forestry and recreation commission for the purpose of con-

structing an enclosure of and for the maintenance of wild animals at Mt. Sunapee state park. No part of said appropriation shall be used to purchase said animals. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

Mr. Pillsbury of Manchester spoke against the amendment.

Mr. King of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the House refused to order the bill to a third reading.

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to allow the introduction of a committee report not previously advertised in the Journal for today (House Joint Resolution No. 61).

On a *viva voce* vote the motion was adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by adding after the words "for the" in the eighth line the word, total, and by striking out in the ninth and tenth lines the words "over and above the amounts paid on account of the so-called workmen's compensation payments." so that said joint resolution as amended shall read as follows:

There are hereby appropriated sufficient funds to provide that Robert Dearborn of Plymouth, a state police employee who was injured in line of duty, so that his total compensation including the amounts received under the provisions of RSA 281:5, 6 shall equal two-thirds of the total compensation he was receiving at the time of said injury. The payment of said sums shall continue during the period of his disability from

said injury. Provided further that insofar as recovery may be made to him as a result of a suit brought on account of said injury the state shall be reimbursed for the total sums herein provided. The necessary sums for the purposes of this resolution shall be a charge upon the highway funds and any sums received hereunder shall be credited to said highway fund.

The Clerk read the amendment in full.

Mr. King of Manchester explained the amendment.

On a *viva voce* vote the amendment was adopted and the House Joint Resolution was ordered to a third reading.

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to permit House Joint Resolution No. 61 to be placed on third reading and final passage at the present time by title only.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn, was read a third time, passed, and sent to the Senate for concurrence.

Mrs. Lord of Gilford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (House Joint Resolution No. 48).

On a *viva voce* vote the motion was adopted.

Mrs. Lord of Gilford, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 48, Joint Resolution for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the title of said resolution by striking out the same and inserting in place thereof the following:

Joint Resolution for appropriation for carrying out provisions relative to reciprocal agreements for educational facilities for New Hampshire residents.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby appropriated the sum of twenty-two thousand five hundred dollars for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961, for the purpose of providing for extension of educational facilities for New Hampshire residents under reciprocal agreement with the University of Vermont medical school executed and approved by the New England Board of Higher Education. The sums hereby appropriated shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrants for the sums hereby appropriated.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the House Joint Resolution was ordered to a third reading.

Mrs. Lord of Gilford moved that the rules of the House be so far suspended as to permit House Joint Resolution No. 48 to be placed on third reading and final passage by title only at the present time.

Third Reading

House Joint Resolution No. 48, Joint Resolution for appropriation for carrying out provisions relative to regional agreements for educational facilities for New Hampshire residents, was read a third time, passed, and sent to the Senate for concurrence.

Mrs. Lord of Gilford moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (House Joint Resolution No. 29).

On a *viva voce* vote the motion was adopted.

Mrs. Lord of Gilford, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 29, Joint Resolution relative to the operating expenses of educational television station WENH, having considered the same, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend the joint resolution by striking out the words "thirty-five" in the first line and inserting in place thereof the word, ten, so that said joint resolution as amended shall read as follows:

That the sum of ten thousand dollars is hereby appropriated for the fiscal year ending June 30, 1960 and a like sum for the fiscal year ending June 30, 1961 for the purpose of contributing to the operating expenses of the educational television station WENH, Channel 11, operated by the University of New Hampshire with the advice and counsel of the New Hampshire Educational Broadcasting Council, Inc., composed of representatives from Brewster Academy, Cardigan Mt. School, Colby Junior College, Dartmouth College, Department of Education of the Catholic Diocese of Manchester, Emerson School for Boys, High Mowing School, Holderness School, Keene Teachers College, Kimball Union Academy, Mt. St. Mary College, New Hampton School, The Phillips Exeter Academy, Plymouth Teachers College, Proctor Academy, Rivier College, State Department of Education, St. Anselm's College, St. Paul's School, Tilton School, University of New Hampshire and Association of School Superintendents of New Hampshire.

The sums hereby appropriated shall be expended through the New Hampshire College of Agriculture and the Mechanic Arts and the University of New Hampshire. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment in full.

On a *viva voce* vote the amendment was adopted and the House joint resolution was ordered to a third reading.

Mrs. Lord of Gilford moved that the rules of the House be so far suspended as to place House Joint Resolution No. 29 on third reading and final passage at the present time.

On a *viva voce* vote the motion was adopted.

Third Reading

House Joint Resolution No. 29, Joint Resolution relative to the operating expenses of educational television station WENH, was read a third time, passed, and sent to the Senate for concurrence.

Reconsideration

Mrs. Lord of Gilford moved that the House reconsider its vote whereby it passed House Joint Resolution No. 29.

Messrs. Pillsbury and Kimball of Manchester requested that the member from Gilford withdraw her motion for reconsideration.

Mrs. Lord of Gilford withdrew her motion for reconsideration.

Mrs. Atwood of Sanbornton moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today. (House Joint Resolution No. 28)

Mrs. Atwood of Sanbornton explained the House Joint Resolution.

On a *viva voce* vote the motion was adopted.

Mrs. Atwood of Sanbornton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua river, having considered the same, reported the same with the recommendation that the Joint Resolution ought to pass.

Mr. Monahan of Hanover explained the bill.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mrs. Atwood of Sanbornton the rules of the House were so far suspended as to place House Joint Resolution No. 28 on third reading and final passage at the present time, by title only, at the present time.

Third Reading

House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua river, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Crosby of Hillsborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (Senate Bill No. 166).

On a *viva voce* vote the motion was adopted.

Mr. Crosby of Hillsborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 166, An Act relative to the charter of the city of Portsmouth, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following new title:

An Act providing a special interim committee to study the problems of apportionment of representatives in certain cases.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Interim Committee Established.* There shall be an interim committee of five members, three of whom shall be appointed by the Speaker from the membership of the House of Representatives and two of whom shall be appointed by the President of the Senate from the membership of the Senate. Said committee shall study the problem created in connection with the apportionment of representatives to the General Court by the inclusion in the federal census as inhabitants of a particular town or ward of persons living on federal military reservations and of students not domiciled in the town where their school is located. Said committee shall make a report of its findings to the 1961 legislature and shall prepare and submit to the 1961 legislature proposed legislation to correct the existing inequities in apportionment caused by said federal census policy.

2 *Compensation.* The members of said interim committee shall serve without compensation and shall be reimbursed for actual expenses incurred in the performance of official duties hereunder.

3 *Appropriation.* The sum of one thousand dollars is hereby appropriated to be expended by said interim committee for the purposes hereof. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

4 *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Crosby of Hillsborough reading of the amendment was dispensed with.

Mr. Crosby of Hillsborough explained the amendment.

(discussion ensued)

Mr. Green of Manchester spoke in favor of the amendment.

(discussion ensued)

Mr. Crosby withdrew his motion to dispense with the reading of the amendment.

The Clerk read the amendment in full.

Mr. Pillsbury of Manchester spoke in favor of the amendment.

Mrs. White of Portsmouth spoke against the amendment.

Mr. Crosby of Hillsborough spoke in favor of the amendment.

(discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the amendment.

Mr. Urie of New Hampton moved the previous question and it was sufficiently seconded.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the amendment was adopted and under Rule 49 the Chair ordered Senate Bill No. 166 to the Committee on Appropriations.

Mr. Kimball of Manchester moved that the Committee of Conference on House Bill No. 42 be discharged and that the House accept the amendment as sent down by the Senate.

Mr. Kimball of Manchester spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke against the motion.

(discussion ensued)

Mr. Kearns of Manchester spoke in favor of the motion.

On a *viva voce* vote the amendment was not adopted.

Mr. Tobin of Manchester moved that the House vacate the order whereby House Joint Resolution No. 44 was referred to the Committee on Labor and spoke in favor of the motion.

On a *viva voce* vote the Chair was in doubt and requested a second vote.

On a second *viva voce* vote the Chair was still in doubt and requested a division vote.

A division vote being taken and 137 members having voted in the affirmative and 60 members having voted in the negative the motion to vacate prevailed.

The Chair called for a quorum count.

276 members being present, the Chair declared that the motion to vacate prevailed.

Mr. Tobin of Manchester moved that House Joint Resolution No. 44 be referred to the Legislative Council.

Mr. McMeekin of Haverhill spoke against the motion.

Mr. Plumer of Bristol spoke against the motion.

(discussion ensued)

Messrs. Comi of Concord, Geisel of Manchester, and Kearns of Manchester, spoke against the motion.

Mr. Lacasse of Berlin explained the bill.

Mr. Angus of Claremont spoke against the motion.

Mr. Kearns of Manchester moved that House Joint Resolution No. 44 be laid upon the table.

On a *viva voce* vote the motion was adopted.

Mr. McCullough of Keene moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (Senate Bill No. 169).

On a *viva voce* vote the motion was adopted.

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Sanborn of Hampton Falls moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

Mr. Monahan of Hanover spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion.

(discussion ensued)

Mr. McCullough of Keene spoke against the motion.

Mr. Downs of Conway spoke in favor of the motion.

Mrs. Atwood of Sanbornton spoke against the motion.

(discussion ensued)

Mr. Urie of New Hampton spoke in favor of the motion.

Miss Loizeaux of Plymouth spoke against the motion.

On a *viva voce* vote the motion was adopted.

Mr. McCullough of Keene requested a division vote.

A division vote being manifestly in the affirmative the motion to substitute prevailed.

On a *viva voce* vote the Senate bill was ordered to a third reading.

On motion of Mr. Sanborn of Hampton Falls the rules of the House were so far suspended as to place Senate Bill No. 169 on third reading and final passage at the present time.

Third Reading

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Mr. Rowell of Newport moved that the Committee of Conference on House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire, be discharged and a new Committee of Conference be appointed, and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The Chair appointed Messrs. Bell of Plymouth, Clement of Rochester and Crowley of Manchester as Conferees on the Part of the House.

Mr. Green of Manchester moved that the Concurrent Resolution regarding adjournment be taken from the table and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Green of Manchester offered the following amendment :

Amend the Concurrent Resolution relative to adjournment, as passed by the Senate, by striking out where they occur, the words and figure "Friday, September 11" and inserting in place thereof the words and figures, Thursday, September 17, so that said concurrent resolution as amended shall read as follows :

Whereas, it appears that all necessary legislative work may be accomplished by Thursday, September 17 next, therefore be it

Resolved, by the Senate, the House of Representatives concurring, that the present session of the legislature be brought to final adjournment on Thursday, September 17 next, at 5:00 o'clock in the afternoon, and be it further

Resolved, That on that date, all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council and the next Legislature, be indefinitely postponed.

The Clerk read the amendment in full.

On a *viva voce* vote the motion was adopted.

On a *viva voce* vote the concurrent resolution was adopted.

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives :

House Bill No. 503, An Act relative to the New Hampshire State Port Authority.

Amend said bill by adding after section 6 the following new section :

7 Biennial Report. The authority shall make a biennial report to the legislature setting forth in detail the operations and transactions conducted by it pursuant to this act.

Further amend said bill by renumbering section 7 to read section 8.

On motion of Mr. King of Manchester the House concurred in the Senate amendment.

Mrs. St. Pierre of Rochester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today. (House Bill No. 285)

On a *viva voce* vote the motion was adopted.

Mrs. St. Pierre of Rochester, for the Committee on Appropriations, to whom was referred House Bill No. 285, An Act ratifying the northeastern water and related land resources compact, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. Pillsbury of Manchester moved that the words "Ought to Pass" be substituted for the words "Inexpedient to Legislate" and spoke in favor of the motion.

(discussion ensued)

Mr. Monahan of Hanover spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill was ordered to a third reading.

On motion of Mr. Pillsbury of Manchester the bill was ordered to a third reading and final passage at the present time by title only.

Third Reading

House Bill No. 285, An Act ratifying the northeastern water and related land resources compact, was read a third time, passed, and sent to the Senate for concurrence.

Mr. McCullough of Keene moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

On a *viva voce* vote the motion was adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 57, An Act relating to payments to Pittsburg and Clarksville in lieu of taxes, having considered the same, reported the same with the follow-

ing amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out same and inserting in place thereof the following:

Relative to acquisition of land at Hampton Harbor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Payment for Land Acquisition.* The sum of six thousand dollars is hereby appropriated to cover the cost of acquisition of land at Hampton Harbor which was heretofore acquired by the state in eminent domain proceedings. Of the appropriation made hereunder three thousand dollars shall be a charge against any unexpended balance of the appropriation provided by paragraph VIII, section 1, chapter 293, Laws of 1957 and the sum of three thousand dollars shall be a charge against any unexpended balance of the appropriation provided by section 2, chapter 293, Laws of 1957.

2 *Takes Effect.* This act shall take effect upon its passage.

The Clerk read the amendment in full.

Mr. McCullough of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

On motion of Mr. McCullough of Keene, House Bill No. 57 was ordered to a third reading and final passage at the present time, by title only.

Third Reading

House Bill No. 57, An Act relative to acquisition of land at Hampton Harbor, was read a third time, passed, and sent to the Senate for concurrence.

Mr. Hodgdon of Tuftonborough moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today. (Senate Bill No. 166)

Mr. Hodgdon of Tuftonborough, for the Committee on Appropriations, to whom was referred Senate Bill No. 166, An

Act relative to the charter of the city of Portsmouth, having considered the same, reported the same with the following Resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by House Joint Resolution No. 40.

On a *viva voce* vote the resolution was adopted.

Miss Cole of Nashua moved that the rules of the House be so far suspended as to permit the introduction of a bill not previously considered by the Rules committee and spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

The Chair announced the appointment of the member from Hillsborough, Mr. Crosby, to serve on a Special Committee created by the passage of House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state.

The Chair announced the appointment of Messrs. Haskins of Lyme, Shepard of Londonderry and Cullity of Manchester as members of a committee to investigate the finances of the Fish and Game Department.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire, having considered the same, recommend that the House recede from its position of non-concurrence in the amendments sent down from the Honorable Senate and accept the amendments as adopted by the Senate.

KENNETH A. BELL,
ARNOLD T. CLEMENT,
ROGER J. CROWLEY, SR.

Conferees on the Part of the House.

PAUL J. KARKAVELAS,
PAUL H. DANIEL,

Conferees on the Part of the Senate.

On motion of Mr. Bell of Plymouth the House concurred in the Committee of Conference report.

Reconsideration

Mr. King of Manchester, having voted with the majority, moved that the House reconsider its vote whereby it killed House Joint Resolution No. 27 and spoke in favor of the motion.

(discussion ensued)

Mr. Monahan of Hanover spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and reconsideration was in order.

On a *viva voce* vote House Joint Resolution No. 27, Joint Resolution providing for a zoo at Mt. Sunapee State Park, was ordered to a third reading.

On motion of Mr. Monahan of Hanover, House Joint Resolution No. 27, was ordered to a third reading and final passage, by caption only, at the present time.

Third Reading

House Joint Resolution No. 27, House Joint Resolution providing for a zoo at Mt. Sunapee State Park, was read a third time, passed, and sent to the Senate for concurrence.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 86, An Act providing for the election of the county commissioners for the county districts of Merrimack County, having considered the same, reported the same with the following recommendations:

That the House recede from its position of nonconcurrence in the adoption of amendments proposed by the Senate and concur with the Senate in the adoption of the amendment to the title and to the amendments as shown in the new sections 1, 3 and 4. They further recommend that the Senate recede from its position in adopting its amendment as shown in the new section 2 and that the Senate and House concur in the adoption of the following new section:

2 *Commissioner Districts.* For the purpose of the election of county commissioners for the election of 1960 the county of Merrimack is divided into three districts and each district is entitled to elect one commissioner. District 1. The

following wards of the city of Concord, 4, 5, 6, 8 and 9 and Hopkinton. District 2. Andover, Boscawen, Canterbury, Chichester, Concord, wards 1, 2 and 3, Danbury, Franklin, Hill, Loudon, New London, Northfield, Salisbury, Webster and Wilmot. District 3. Allenstown, Bow, Bradford, Concord, ward 7, Dunbarton, Epsom, Henniker, Hooksett, Newbury, Pembroke, Pittsfield, Sutton and Warner. No person is eligible to the office of county commissioner for a district of Merrimack county unless he is a resident of said district. The inhabitants of the county of Merrimack, for the biennial election of 1960 may vote for not more than one candidate from said district. The candidate receiving the highest number of votes in any one district shall be declared elected county commissioner from that district.

TIMOTHY W. WOODMAN,
PASQUALE RUFO,
PETER P. CHARLAND,

Conferees of the House.

JOHN E. BUNTEN,
PHILIP J. DUNLAP,

Conferees of the Senate.

Mr. Woodman of Concord moved that reading of the report be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. Woodman of Concord explained the report.

On motion of Mr. Woodman of Concord the House adopted the Committee of Conference report.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today.

On a *viva voce* vote the motion was adopted.

Mr. King of Manchester, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 7, Joint Resolution to provide for the continuation of the investigation of gasoline and fuel oil prices in the state of New Hampshire, having considered the same, reported the same

with the recommendation that the Joint Resolution ought to pass.

Mr. Green of Manchester explained the resolution.

On a *viva voce* vote the Senate Joint Resolution was ordered to a third reading.

Mr. Green of Manchester moved that Senate Joint Resolution be placed on third reading and final passage at the present time by caption only.

On a *viva voce* vote the motion was adopted.

Third Reading

Senate Joint Resolution No. 7, Joint Resolution to provide for the continuation of the investigation of gasoline and fuel oil prices in the state of New Hampshire, was read a third time, passed, and sent to the Senate for concurrence in the House amendment.

Mr. McCullough of Keene wishes to be recorded as having voted against House Bills Nos. 285, 353, 503, House Joint Resolutions Nos. 28, 29, 48, 61, 27 and Senate Bill No. 169.

Mr. McCullough of Keene moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today (House Bill No. 336).

Mr. McCullough of Keene, for the Committee on Appropriations, to whom was referred House Bill No. 336, An Act naming Hubbard Cove and providing for a parking area and boat launching ramp in Seabrook near the Hampton river toll bridge and for certain land acquisition, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Mr. McCullough of Keene spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Report of Committee of Conference

The Committee of Conference, to whom was referred Senate Joint Resolution No. 5, An Act authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond, having considered the same,

reported the same with the recommendation that the Senate recede from its position of non-concurrence in the adoption of the amendment offered by the House of Representatives, and concur with the House of Representatives in its adoption.

NATHAN BATTLES,
LUCIEN E. BERGERON,

Conferees on the Part of the Senate.

NAPOLEON W. HABEL,
MARCUS E. DIFFENDERFER,
ROBERT S. MONAHAN,

Conferees on the Part of the House.

On motion of Mr. Galloway of Walpole the House concurred in the Committee of Conference report.

Senate Message

The Senate message announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 178, An Act providing funds for a study of records, storage and archives, and authorizing certain expenditures relative to the legislature and others.

Introduction of a Senate Bill

Senate Bill No. 178, An Act providing for a study of records, storage and archives, and authorizing certain expenditures relative to the Legislature and others, was read a first and second time and referred to the Committee on Appropriations.

On motion of Mr. Pickett of Keene the House adjourned from the morning session.

Afternoon Session

Mr. Pickett of Keene moved that when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

On a *viva voce* vote the motion was adopted.

On motion of Mrs. Griffin of Auburn the House adjourned at 6:21 o'clock.

THURSDAY, SEPTEMBER 17, 1959

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain as follows:

“Now let Thy work, O Lord, appear unto Thy servants,
And Thy glory upon their children.
And let the beauty of the Lord our God be upon us;
And establish Thou the work of our hands upon us;
Yea, the work of our hands establish Thou it.”

(Psalm 90:16, 17)

Hear Thou, O Lord, our prayer on this closing day of this 1959 Session of the General Court, for it is a prayer of thanksgiving. We offer our sincere gratitude for friendships made, for many educational experiences, but most of all for the opportunity which has been granted to us to serve the folk of our State.

Hear Thou our prayer, for it is a prayer of confession and humility offered to Thee in the knowledge that we have erred by both omission and commission, violated our own hopes, and, if we have erred purposefully we do now admit to our shortcomings.

Nevertheless, God of love, do Thou grant us renewed commitment to moral conduct. Safeguard us while we are apart, and preserve the officers of State in their continuing public service.

Pledge of Allegiance to the Flag

Mr. Larty of Haverhill led the Convention in the Pledge of Allegiance to the Flag.

House

Leaves of Absence

Messrs. Peever of Salem and Taft of Greenville were granted leave of absence for the day on account of important business.

Introduction of a Guest

The Chair introduced Mr. Donald F. Burrill of Monterey, California, courtesy of his son Mr. Burrill of Littleton.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills, House and Senate Joint Resolutions:

House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens.

House Bill No. 493, An Act relative to public swimming pools.

House Bill No. 516, An Act relative to authority of commissioner of public works and highways.

House Bill No. 518, An Act relative to authority for expenditures of special federal funds received by the public works and highways department.

House Bill No. 521, An Act relative to the library building at the University of New Hampshire.

House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion.

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of a multiple-use state park on Ossipee Lake.

Senate Joint Resolution No. 10, Joint Resolution relative to an interim study committee to study the fiscal practices and needs of the Fish and Game Department.

House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds.

House Bill No. 309, An Act relative to powers of the superior court on immunity of witnesses.

House Bill No. 332, An Act relative to inspectors of elections.

Senate Joint Resolution No. 9, Joint Resolution in favor of Annie E. Ross.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 106, "An Act relating to discharge or removal from office of county employees," having considered the same, report the same with the following recommendations:

That the Senate recede from its position in the adoption of its amendments, that the House recede from its position of

non-concurrence and that the Senate and House concur in the passage of the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *County Employees.* Amend RSA 28 by inserting after section 10 the following new section: 28:10-a *Removal from Office.* Any county employee, except the superintendent of the county farm, who has served at least one year shall not be discharged or removed from office except for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform his duties as a county employee. Prior to the discharge or removal of any such employee a statement of the grounds and reasons therefor shall be prepared by the county commissioners and signed by a majority of the board and notice thereof shall be given to said employee not less than ten days nor more than thirty days prior to the effective date of such discharge or removal. Upon receipt of such notice the employee may request a public hearing thereon before the county commissioners. If upon such hearing said commissioners shall find good cause for discharge or removal of said employee they shall order his discharge or removal from office provided that said employee shall have an appeal from the order of the county commissioners to the executive committee of the county delegation as provided in RSA 24:9. Any such employee whose discharge or removal has been ordered by the county commissioners may, within ten days after notice of such order, make written request to the chairman of the county convention for a rehearing. The chairman of said county delegation, as an ex-officio member of the executive committee, shall upon receipt of said request, call a special meeting of the executive committee whose decision on the discharge or removal of said employee shall be final. The salary of said employee shall terminate on the effective date of his discharge, provided that if good cause shall not be found for his discharge and he shall be reinstated, the salary of said employee shall be paid from the date of discharge.

2 *Takes Effect.* This act shall take effect sixty days after its passage.

MARION L. PHILLIPS,
ALTON DESNOYER,
JOSEPH J. COMI,
Conferees on the Part of the House.

LOUIS W. PAQUETTE,
PAUL J. KARKAVELAS,
Conferees on the Part of the Senate.

On motion of Mrs. Phillips of Claremont, reading of the report was dispensed with.

Mr. Comi of Concord moved that the House concur in the Committee of Conference report and explained the report.

On a *viva voce* vote the House concurred in the Committee of Conference report.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives:

House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn.

A further Senate message announced that the Senate has voted to adopt the report of the Committee of Conference to the following House Bill:

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

A further Senate message announced that the Senate has voted to adopt the Committee of Conference report on the following entitled bill:

House Bill No. 86, An Act providing for the election of county commissioners for Merrimack county, by districts for a two year period.

At the request of Mr. Green of Manchester, the House gave its unanimous consent to substituting Mr. Daniel of Manchester for Mr. Tobin of Manchester on the Committee of Conference on Senate Bill No. 35.

Resolutions

Messrs. King of Manchester, Gilman of Farmington, Green of Manchester and Maxham of Concord offered the following concurrent resolution:

Whereas, this General Court has been ably and faithfully served by Rev. George J. W. Pennington as chaplain, and

☛ *Whereas*, he has offered prayers at the beginning of the sessions, therefore be it

Resolved, by the Senate and House of Representatives in Joint Convention

That we express to him our sincere thanks for his services, our deep appreciation of his understanding of our problems, and for his supplications in our behalf that have caused us to search our souls and to act in a manner to give due consideration to the people we are here to represent.

JOHN W. KING
GEORGE T. GILMAN
SAMUEL GREEN
PAUL B. MAXHAM

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Rufo of Concord offered the following resolutions:

Whereas, the members of the House of Representatives of the State of New Hampshire have enjoyed courtesies and privileges that have been generously provided by the Mayor of the City of Concord, now therefore be it

Resolved, That we, the members of the House of Representatives of the State of New Hampshire extend our heartfelt appreciation and gratitude to Mayor Charles Johnson and all the members of his official family for the considerate and generous manner with which they have exercised their municipal functions, and be it further

Resolved, That a copy of these resolutions be transmitted to Mayor Charles Johnson and to the members of his official family.

On a *viva voce* vote the resolutions were unanimously adopted.

Mr. Woodman of Concord offered the following resolutions:

Whereas, the members of the House of Representatives of the State of New Hampshire have enjoyed courtesies and privileges that have been generously provided by the Police Department of the City of Concord, now therefore be it

Resolved, That we, the members of the House of Representatives of the State of New Hampshire do extend our heartfelt appreciation and gratitude to Police Chief Walter H. Carlson and all the members of his department for the considerate and generous manner with which they have exercised their municipal functions, and be it further

Resolved, That a copy of these resolutions be transmitted to Police Chief Walter H. Carlson and to the members of his department.

On a *viva voce* vote the resolutions were unanimously adopted.

Report of Engrossed Bills Committee

Mr. Shepard of Londonderry, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House bills:

House Bill No. 201, An Act to allow the state to take advantage of federal benefits to education under the national defense education act of 1958.

House Bill No. 472, An Act providing for original motor vehicle licenses.

House Bill No. 491, An Act relative to the Sandwich Notch and Dale Road in the towns of Sandwich and Thornton.

On motion of Mr. Comi of Concord, the House gave Mr. Pickett and his Mock Session Committee a vote of thanks for a job well done.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis, having considered the same, report the same with the following recommendations: That the House recede from its position of non-concurrence and the following amendment be adopted:

Amend section 20 by striking out said section and inserting in place thereof the following:

20 *Takes Effect.* This act shall take effect upon the majority vote at the biennial election to be held on November 3, 1959. The city clerk then in office shall cause to be printed on the ballots then used the following question: "Shall the Manchester municipal elections of city and ward officers, except members of the school board be established on a political party basis or a non-partisan basis?" Beneath this question shall be printed the words "Political Party Basis" and the words "Non-partisan Basis" with a square immediately opposite each word in which a voter may indicate his choice. If a majority of those voting on this question vote in favor of "Political Party Basis" this act shall be declared to have been adopted.

JOHN J. KEARNS,
JOSEPH F. ECKER,
JOHN PILLSBURY,

Conferees on the Part of the House.

NORMAN A. PACKARD,
PAUL E. PROVOST,

Conferees on the Part of the Senate.

On motion of Mr. Kearns of Manchester the House concurred in the Committee of Conference Report.

The Committee of Conference, to whom was referred Senate Bill No. 35, entitled, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings, having considered the same, report the same with the following recommendations: That the Senate recede from its position of non-concurrence to the amendments to said bill proposed by the House and concur with the House in the adoption of said amendments with the following exceptions; that the House recede from its adoption of the amendments hereinafter recited and that the Senate and House concur in the adoption of the following amendments to the amendment proposed by the House:

Amend paragraph IV of RSA 48-A:1 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. "Public agency" shall be a board designated by ordinance, code or by-law to exercise the powers and perform the duties conferred upon it by this chapter.

Amend the amendment by striking out the term "public officer" wherever it occurs in said bill and inserting in place thereof the term, public agency.

Amend paragraph I of RSA 48-A:3 as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

I. That the public agency shall be a board consisting of at least three members, two of whom shall be the head of the municipal health department and the head of the municipal fire department, if such offices exist, and such other incumbents of municipal offices or positions as such ordinance, code or by-law shall prescribe. Selectmen and city and town managers, and members of the governing bodies of cities, shall be ineligible for membership on such board.

Amend RSA 48-A:3 as inserted by section 1 of said bill by adding at the end of said section the following new paragraph:

IV. If an owner is aggrieved by an order of the public agency made pursuant to paragraph III hereof, he may appeal to the city council or mayor and board of aldermen in the case of cities, or to the board of selectmen in the case of towns. Said city council or mayor and board of aldermen or board of selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the public agency and to the owner. The city council or mayor and board of aldermen or board of selectmen may affirm or revoke the order of the public agency, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the public agency shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in section 4. If the city council or mayor and board of aldermen or board of selectmen shall revoke said order, the proceedings shall be terminated.

Amend RSA 48-A:5 as inserted by section 1 of said bill by adding at the end thereof the words, If the court shall find in favor of the owner, it shall award to him his reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in his defense of the action in the superior court, so that said section as amended shall read as follows:

48-A:5 *Order of the Court.* The court shall as soon as practicable issue its order upon said petition; and if the court finds the dwelling complained against is unfit for human habitation due to any of the causes or conditions enumerated in section 48-A:2, such order shall direct the public agency to repair, alter, or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost; or if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, to remove or demolish such dwelling. If the court shall find in favor of the owner, it shall award to him his reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in his defense of the action in the superior court.

SAMUEL GREEN,
L. B. PEEVER,
CHARLES E. DANIEL,
Conferees on the Part of the House.

CECIL CHARLES HUMPHREYS,
PAUL H. DANIEL,
Conferees on the Part of the Senate.

On motion of Mr. Green of Manchester, reading of the report was dispensed with.

On motion of Mr. Green of Manchester the House concurred in the Committee of Conference report.

The Committee of Conference to whom was referred Senate Bill No. 152 entitled "An Act relative to posting load and speed limits on town bridges, and relative to a certain bridge over the Merrimack River," having considered the same report the same with the following recommendations:

That the Senate recede from its position of non-concurrence with the amendments adopted by the House with reference to the title of said bill and with reference to the new sections 1, 2, 3, 4 and 6 and concur with the House in said amendments; that the Senate recede from its position of non-concurrence and that the House recede from its position in adopting its amendment for a new section 5 and that the House and Senate concur in the adoption of the following new section 5:

5 *Boscawen-Canterbury Bridge.* Whereas, the town of Canterbury has made application for town bridge aid on a certain bridge over the Merrimack river, which application is still pending and whereas, the town of Boscawen has not yet made such application for such aid on said Boscawen-Canterbury bridge, the application by the town of Canterbury shall be deemed to be in compliance with RSA 242 and shall be sufficient to authorize the posting at the eastern end of said bridge in accordance with the provisions of RSA 251:16, as hereinbefore amended, and the commissioner of public works and highways is authorized to proceed under said application in accordance with the applicable provisions of law. Nothing herein shall be construed as relieving the town of Boscawen of its duties and responsibilities in connection with the maintenance of this structure until it shall have made application for town bridge aid in accordance with the provisions of RSA 242. The provisions of this section shall be effective only from the date of the passage of this act until April 1, 1961.

PASQUALE RUFO,
HENRY C. NEWELL,
CHARLES E. DANIEL,

Conferees on the Part of the House.

CHARLES H. CHENEY,
JOHN E. BUNTEN,

Conferees on the Part of the Senate.

On motion of Mr. Newell of Concord, reading of the report was dispensed with.

Mr. Newell of Concord explained the report.

On motion of Mr. Newell of Concord the House concurred in the Committee of Conference report.

Communication

September 17, 1959

Honorable Stewart Lamprey, Speaker
House of Representatives
State House
Concord, New Hampshire

DEAR MR. SPEAKER:

I should appreciate it ever so much if you would announce to the House that the Governor would be most happy to have the members of the House drop by the office during the day in order that he may personally visit with each one and wish all members of the Legislature well.

Sincerely yours,

WESLEY POWELL
Governor.

Senate Messages

The Senate refuses to concur with the House of Representatives in the adoption of amendments sent up from the House to the following entitled bill and requests a Committee of Conference.

Senate Joint Resolution No. 7, Joint Resolution to provide for a continuation of the investigation of gas and fuel order prices in the state of New Hampshire.

And the President appointed as Conferees on the Part of the Senate, Senators Battles and Lamontagne.

Mr. Crosby of Hillsborough moved that the House not accede to the request of the Senate.

(discussion ensued)

Mrs. Brungot of Berlin moved that the House accede to the request of the Senate and that a Committee of Conference be appointed and spoke in favor of the motion.

Mr. Marx of Langdon spoke in favor of the motion.

Mr. Crosby of Hillsborough spoke against the motion.

Mrs. DeLude of Unity spoke in favor of the motion.

On a *viva voce* vote the motion was not adopted.

Mrs. Brungot of Berlin requested a division but subsequently withdrew her request.

The question being on the motion of the member from Hillsborough, Mr. Crosby.

On a *viva voce* vote the motion was adopted.

¶

A Senate message further announced that the Senate has voted to adopt the Committee of Conference report on the following bill:

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings.

A Senate message further announced that the Senate has voted to adopt the Committee of Conference report to the following bill:

House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis.

A Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following Senate bill:

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges.

A Senate message further announced that the Senate has voted to adopt the report of the Committee of Conference on the following House bill:

House Bill No. 106, An Act relating to discharge or removal from office of county employees.

A Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled concurrent resolutions sent up from the House of Representatives:

Whereas, it appears that all necessary legislative work may be accomplished by Thursday, September 17 next, therefore be it

Resolved, by the Senate, the House of Representatives concurring, that the present session of the legislature be brought to final adjournment on Thursday, September 17 next, at 5:00 o'clock in the afternoon, and be it further

Resolved, That on that date, all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council and the next Legislature, be indefinitely postponed.

The Chair declared a one hour recess.

After Recess

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 339, An Act relative to control of aquatic nuisances.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 *Water Pollution Commission.* The water pollution commission is hereby authorized and directed to study and investigate aquatic nuisances in the form of algae and similar plant life in the waters of the state with the view of determining how the same may best be controlled. The commission shall report its activities hereunder to the next session of the general court, which report shall include recommendations for legislation designed to eliminate or control such nuisances. The commission is authorized to accept and apply to the purposes hereof gifts and grants from any person or association, public or private, made for the purposes of aiding such study and investigation.

2 *Takes Effect.* This act shall take effect upon its passage.

On motion of Mrs. Atwood of Sanbornton the House concurred in the Senate amendment.

A further Senate message announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 232, An Act relative to temporary certificates for operation of motor vehicles in certain cases.

House Bill No. 144, An Act relative to boiler and pressure vessel inspection.

A further Senate message announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments to the following entitled bill:

House Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye.

Announcement

The Chair announced that today is the 74th birthday of Mr. Boomhower of Franklin and the 63rd birthday of Mr. Colbath of Dover.

Personal Privilege

Mr. O'Shan of Laconia rose on a point of personal privilege.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry and Mr. Lacasse of Berlin for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 503, An Act relative to the New Hampshire State Port Authority.

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges and relative to a certain bridge on Merrimack River.

Senate Message

The Senate message announced that the Senate has voted to refer to the Legislative Council the following entitled bill:

Senate Bill No. 159, An Act relative to instruction in motor vehicle operation by certain minors.

Mrs. Brungot of Berlin moved that the order whereby Senate Bill No. 79, An Act authorizing the purchase of health and accident insurance by towns for town employees, was referred to the Insurance Committee be discharged and that the Senate bill be acted on by the House at the present time.

Mr. Goode of Manchester spoke against the motion.

(discussion ensued)

The Chair ruled that the motion would take a two-thirds vote of the House.

(discussion ensued)

Mr. Crosby of Hillsborough spoke against the motion.

(discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

(discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mrs. Brungot of Berlin withdrew her motion.

Mr. Green of Manchester asked for unanimous consent of the House so that Senate Bill No. 79 might be brought before the House with the assurance that everything but the enacting clause of the bill might be stricken and that the amendment of the member from Berlin might be adopted and the bill placed on third reading and final passage.

Mr. King of Manchester objected and the motion was lost.

Mrs. Brungot of Berlin renewed her motion to discharge the committee.

Mr. Green of Manchester spoke against the motion.

Mr. Varney of Rochester spoke against the motion.

The Chair declared a ten minute recess.

Mrs. Brungot withdrew her motion.

Mr. King of Manchester requested unanimous consent of the House so that the subject matter of Senate Bill No. 79 might be referred to the Legislative Council and that Senate Bill No. 79 might be amended by the amendment offered by the member from Berlin and ordered to a third reading and final passage, by title only, at the present time and that no consideration of this matter shall be in order in this session and that the House shall not accede to any request for conference on this bill that may issue from the Senate.

At the request of Mr. Crosby of Hillsborough, Mrs. Brungot of Berlin explained the proposed amendment. The Chair ruled that further action taken on the bill would require unanimous consent of the House.

The motion was lost as the Chair heard objections.

Mrs. Brungot of Berlin renewed her original motion to discharge the committee reference on Senate Bill No. 79.

Mr. Urie of New Hampton spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke in favor of the motion. On a *viva voce* vote the motion was not adopted.

Senate Messages

The Senate message announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division and to reimburse the town of Hampton.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act providing for a deficiency appropriation for the recreation division and to reimburse the town of Hampton.

On motion of Mr. Bell of Plymouth the House concurred in the amendment sent down from the Senate.

The Senate message further announced that the Senate has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye.

Amend section 3 of said bill by striking out the words "sixty thousand" in the fourth line and inserting in place thereof the words, ninety-five thousand, so that said section as amended shall read as follows:

3 *Bond Issue.* To provide funds for the acquisition by the state hereby authorized the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding ninety-five thousand dollars and for said purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by

the governor and shall be deemed a pledge of the faith and credit of the state. The maturity of the bonds hereby authorized shall not exceed twelve years.

On motion of Mr. Bell of Plymouth the House concurred in the Senate amendment.

(Mr. Green of Manchester in the Chair)

Resolutions

Mr. Sheridan of Berlin offered the following resolutions:

Whereas, John King, Representative from Ward 10, Manchester, has served as Minority Floor Leader of the 1959 session of the General Court, and

Whereas, throughout our deliberations he has shown a very cooperative spirit in working for good legislation and the betterment of the state, and

Whereas, Mr. King has shown to all members of the House great courtesy and kindness in the daily performance of his duties, therefore be it

Resolved, by the members of the New Hampshire House of Representatives in General Court convened, that we hereby express to him our appreciation for the wisdom, the dedication and the faithfulness he has shown during the deliberations of the House, and be it further

Resolved, That a copy of these resolutions be transmitted to Mr. King.

Mr. Pickett of Keene spoke in favor of the resolutions.

Mr. Pillsbury of Manchester spoke in favor of the resolutions.

On a rising vote the resolutions were unanimously adopted.

Mr. Pillsbury of Manchester offered the following resolutions:

Where, George Gilman, the member from Farmington has served with distinction as Majority Floor Leader during the 1959 session of the General Court, and

Whereas, in his daily conduct he has endeared himself to all the members of the House of Representatives by his sense of fairness and unfailing courtesy and abounding good humor, and

Whereas, he has brought to his assignment a strong intelligence, a fine wit and tireless energy which he has freely

given to promote the best interests of his native state, therefore be it

Resolved, That we, the members of the House of Representatives in General Court convened, do hereby express our appreciation to the member from Farmington for his faithful performance of his duties as Majority Floor Leader, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mr. Gilman.

On a rising vote the resolutions were unanimously adopted.

Messrs. Maloomian of Somersworth, Miskelly of Keene and Green of Manchester offered the following resolutions:

Whereas, Speaker Stewart Lamprey, duly elected Representative from Moultonborough, has at all times been amiable to the men and gallant to the women of this House of Representatives, and

Whereas, he has always conducted the business of this House of Representatives in a fair and open-minded manner. therefore be it

Resolved, That we, the members of this extensive 1959 session of the New Hampshire General Court, wish to extend to our illustrious Speaker, our admiration for his very efficient service and our heartfelt thanks and appreciation for his cooperation, and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk to Representative Lamprey.

On a rising vote the resolutions were unanimously adopted.

Report of Committee on Engrossed Bills

Mrs. Johnson of Monroe, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of state Highways.

House Bill No. 106, An Act relating to discharge or removal from office of county employees.

House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn.

Senate Messages

The Senate message announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 285, An Act ratifying the northeastern water and related land resources compact.

House Bill No. 249, An Act relative to the operation of passenger tramways.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire teachers' retirement system for the fiscal year 1960-1961.

(Speaker in the Chair)

The Chair declared a one hour recess.

After Recess

Mr. Spalding of Plainfield moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal for today and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Spalding of Plainfield, for the Committee on Fish and Game, to whom was referred Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters, having considered the same, report the same with the recommendation that the bill ought to pass.

On a *viva voce* vote the Senate bill was ordered to a third reading.

On motion of Mr. Spalding of Plainfield Senate Bill No. 118 was placed on third reading and final passage at the present time.

Third Reading

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at

Great Bay and penalty for depositing refuse on public waters, was read a third time, passed, and sent to the Secretary of State to be engrossed.

Report of Committee on Engrossed Bills

Mr. Newell of Concord, for the Committee on Engrossed Bills, have examined and found correctly engrossed the following entitled Senate bill:

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings.

Senate Messages

The Senate message announced that the Senate has voted to concur with the House of Representatives in its adoption of amendments to the following joint resolution:

Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the committee on investigation of gasoline and fuel oil prices.

The Senate message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bill and captioned joint resolutions sent up from the House of Representatives:

House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove, and in favor of Marion Alexander.

House Bill No. 395, An Act relative to additional grants of school building aid.

House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua River.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following joint resolution, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Joint Resolution No. 63, Joint Resolution relative to the Appropriations Committee room and contents and au-

thorizing certain expenditures relative to the legislature and others.

Amend the resolution by adding the following, and authorizing certain expenditures relative to the legislature and others.

3 *Special Authorization.* The office of the secretary of state is hereby allowed the sum of \$7,500 for the employment of Benjamin F. Greer, clerk of the senate, during the period from September 28, 1959 to December 31, 1960 at the rate of \$200 biweekly. The services of said Benjamin F. Greer shall be available to interim legislative committees and to the secretary of state's department. The sums hereby allowed shall be a charge on the legislative appropriation. The sum of \$360 is hereby allowed Paul A. Rinden as an additional amount for his services as legislative counsel. *Governor's Legal Counsel.* Notwithstanding the provisions of 1959, 249:6 the governor's legal counsel shall be allowed eleven hundred dollars and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

On motion of Mr. Bell of Plymouth the House non-concurred in the Senate amendment and moved that a Committee of Conference be appointed.

The Chair appointed Messrs. Bell of Plymouth, McMeekin of Haverhill and Sheridan of Berlin as Conferees on the Part of the House.

The Senate message further announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 57, An Act relating to acquisition of land at Hampton Harbor.

Amend said bill by adding the following new section:

Section 1-a. *Parking Area.* The sum of eight thousand dollars is hereby appropriated for the purpose of the construction of a parking area on state land located near the south end of the Hampton river toll bridge in the town of Seabrook. The appropriation hereunder shall be expended by the department of public works and highways and said area, when constructed,

shall be maintained by said department. The governor and council may fix the fees to be charged for the use of the facilities hereby authorized and said fees shall be credited to the public works and highways department for maintenance of the area and any balance of said fees shall be paid into the state treasury. The sum hereby appropriated shall be a charge upon the general funds of the state and the governor is authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

Mr. Clement of Rochester moved that the House concur in the Senate amendment and spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Pickett of Keene requested a division vote and subsequently withdrew his request.

Resolutions

Mr. Green of Manchester offered the following resolutions:

Whereas, one of the most unnoticed committees of the House has made possible our final adjournment at this early hour, and

Whereas, by their diligent and untiring efforts our labors became law in fact, therefore be it

Resolved, That the present members of the Engrossing Committee, Representative Shepard of Londonderry, Chase of Concord, Newell of Concord, Johnson of Munroe, Edson of Lebanon and Lacasse of Berlin, be tendered a rising vote of thanks and that a copy of these resolutions be transmitted to each of the committee by the Clerk of the House.

On a rising vote the resolutions were unanimously adopted.

Mr. Plumer of Bristol offered the following resolutions:

Whereas, the House of Representatives, hoping for the concurrence of the Honorable Senate, passed House Bill No. 512, entitled, An Act relative to a bridge in Woodstock, and

Whereas, that bill was sponsored in part by our very able and glamorous fellow Representative, Dagmar Davis of Woodstock, therefore be it

Resolved, that we, the members of the House of Representatives, do hereby go on record as being of the opinion that

the bridge referred to in the above entitled bill be named the "Dagmar Davis" bridge, and be it further

Resolved, That the New Hampshire Department of Works and Highways be informed of this Resolution so that they may have printed, in letters clearly discernible to persons using the bridge, the words "Dagmar Davis Bridge" at each entrance thereof.

On a *viva voce* vote the resolutions were unanimously adopted.

The Chair declared a recess.

After Recess

Senate Message

The Senate message announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 414, An Act continuing the work of the economic growth survey committee.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 *Economic Growth Survey Committee.* The economic growth survey committee established in 1957, 297 shall continue its duties as outlined in said chapter. Any expenses incurred shall be charged against the appropriated funds of the Planning and Development Commission.

Amend said bill by inserting after section 1 the following new sections:

2 *Members of Committee.* The term of office of the persons now serving as the economic growth survey committee established by 1957, 297:1 shall expire as of October 1, 1959. The president of the Senate shall appoint two members of said committee, the speaker of the House of Representatives shall appoint two members of said committee and the governor shall appoint one member of said committee for terms to begin October 1, 1959. Said committee so appointed shall perform the duties required by 1957, 297.

3 *Report.* The economic survey committee shall supervise the work of the planning and development commission

under the provisions of 1957, 297:2 and any recommendations of the commission, to be presented to the 1961 session of the legislature, shall be subject to the approval of the survey committee.

4 *Services*. Amend 1957, 297:3 by striking out said section and inserting in place thereof the following: 297:3 *Expenses*. The members of the committee shall serve without compensation but shall be reimbursed for their expenses and mileage in connection with official duties hereunder.

Further amend said bill by striking out section 2, renumbering and inserting in place thereof the following:

5 *Takes Effect*. This act shall take effect as of October 1, 1959 provided, however, that members of the survey committee may be appointed prior to that date.

On motion of Mr. Pillsbury of Manchester the House concurred in the Senate amendment.

Report of Committee on Engrossed Bills

Mrs. Chase of Concord, for the Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

House Bill No. 339, An Act relative to the control of aquatic nuisances.

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

Mileage Roll

Mr. McAllister of Barnstead, for the Committee on Mileage, presented the following report:

Rockingham County

Town	Miles
Auburn	
Margaret A. Griffin	26
Brentwood	
Ferne Prescott	41
Candia	
Karl J. Persson	25

Town	Miles
Chester	
Victor B. Spollett	32
Deerfield	
Roland C. Batchelder	23
Derry (4)	
Kenneth M. Bisbee	35
Harry E. Clark	32
Charles H. Gay	32
Hayford T. Kimball	32
Epping	
Edmond G. Blair	36
Exeter (4)	
Lyman E. Collishaw	45
Edwin W. Eastman	45
Sayre Merrill	45
Herman L. Smith	45
Fremont	
Harold L. Jones	36
Greenland	
Edna B. Weeks	55
Hampstead	
Doris M. Spollett	40
Hampton (2)	
Douglass E. Hunter, Sr.	51
Seth M. Junkins	51
Hampton Falls	
Ralph Sanborn	52
Kensington	
D. Everett Palmer	50
Kingston	
Martha A. Long	41
Londonderry	
Howell F. Shepard	29

Town	Miles
New Castle	
T. Wade Jenkins	51
Newfields	
Thomas R. Sheehy	43
Newmarket (2)	
Arthur A. Labranche	39
John Twardus	39
Newton	
George L. Cheney	46
North Hampton	
George G. Carter	50
Northwood	
Ernest L. Pinkham	23
Plaistow	
Mildred L. Palmer	46
Portsmouth	
Ward 1 (2)	
Mary C. Dondero	50
William F. Keefe	50
Ward 2 (3)	
Harry H. Foote	48
Henry S. Murch, Jr.	48
Harry A. Wood	50
Ward 3 (2)	
C. Cecil Dame	50
William J. Wardwell	50
Ward 4 (2)	
Robert R. Blaisdell, Sr.	48
Julia H. White	50
Ward 5 (2)	
Edna K. White	48
Edward J. Ingraham	50

Town	Miles
Ward 6 (2)	
Charles W. Carkin	48
Amelia H. Cross	50
Raymond	
Calvin J. Langford	31
Rye	
Manning H. Philbrick	56
Salem (3)	
Leonard B. Peever	43
Marjorie L. Roulston	43
Howard S. Willis	43
Sandown	
Joshua H. Gordon	36
Seabrook	
Myron B. Felch	52
South Hampton	
Frank A. Robinson	47
Stratham	
Nelson E. Barker	47
Windham	
Thomas Waterhouse, Jr.	36

Strafford County

Barrington	
Dorothy B. Berry	32
Dover	
Ward 1 (3)	
Alice F. Blanchette	40
Max W. Leighton	40
Guy M. Wiggin	40
Ward 2 (2)	
J. Hector Desjardins	40
Frank J. Grimes	40

Town	Miles
Ward 3 (2)	
Thomas C. Dunnington	40
Philip T. Stonemetz	40
Ward 4 (3)	
Philip E. Calcutt	40
William E. Colbath	40
Harriett W. B. Richardson	40
Ward 5 (1)	
Emmett J. Flanagan	40
Durham (3)	
Laurence A. Bevan	36
Jeremiah A. Chase	36
Albert D. Littlehale	37
Farmington (2)	
Robert B. Drew	45
George T. Gilman	45
Lee	
Herman A. Randall	35
Milton	
Warren H. Reid	53
New Durham	
Idanelle T. Moulton	34
Rochester	
Ward 1 (1)	
Ernest L. Rolfe	40
Ward 2 (2)	
Winifred E. Hartigan	38
Fred Maxfield	37
Ward 3 (1)	
Sumner W. Watson	37
Ward 4 (2)	
Alphonse Lacasse	37
Angeline M. St. Pierre	43

Town	Miles
Ward 5 (1)	
Harry S. Johnson	37
Ward 6 (2)	
Arnold T. Clement	37
Edgar G. Varney	37
Rollinsford	
Joseph E. Boisvert	45
Somersworth	
Ward 1 (1)	
Sarkis N. Maloomian	45
Ward 2 (1)	
Napoleon A. Habel	45
Ward 3 (1)	
Clovis J. Cormier	45
Ward 4 (1)	
Arthur J. Vincent	45
Ward 5 (1)	
James F. Malley	45
Strafford	
Albert H. Brown	30
Belknap County	
Alton	
Arthur S. Rollins	41
Barnstead	
Arthur H. McAllister	24
Belmont	
Lyle N. Watson	22
Gilford	
Marion M. Lord	32
Gilmanton	
Conrad E. Snow	29

Town	Miles
Laconia	
Ward 1 (2)	
Myron B. Hart	35
Rene C. Lacaille	35
Ward 2 (2)	
Walter A. Harkins	29
Paul L. Normandin	29
Ward 3 (1)	
Ellis J. Ayre	29
Ward 4 (2)	
Peter S. Karagianis	29
Oscar C. Prescott	29
Ward 5 (2)	
Henry I. Burbank*	29
David O'Shan	29
Ward 6 (2)	
Donald W. MacIsaac	31
G. Walter Varrell	31
Meredith (2)	
Raymond V. Pickering	38
Joseph F. Smith	38
New Hampton	
H. Thomas Urie	38
Sanbornton	
Marion H. Atwood	24
Tilton	
Herbert E. Howe	20
Carroll County	
Bartlett	
Earle W. Chandler**	91
Conway (3)	
Elmer H. Downs	82

Town	Miles
Nettie M. Hill	81
Milburn F. Roberts	81
Freedom	
Edward J. Stokes	70
Jackson	
Daniel R. Blanchard	90
Madison	
Guy W. Nickerson	66
Moultonborough	
Stewart Lamprey	48
Ossipee	
Marcus E. Diffenderfer	69
Sandwich	
Mary S. Brown	53
Tamworth	
George R. Nickerson	61
Tuftonboro	
Forrest W. Hodgdon	57
Wakefield	
Robert Duchano	55
Wolfeboro	
Leslie M. Chamberlain	46
Russell G. Clafin	46

Merrimack County

Allenstown	
Narcisse V. Guilbeault	10
Andover	
Victor E. Phelps	23
Boscawen	
Joseph T. Flynn	10

Town	Miles
Bow	
Richard D. Hanson	7
Bradford	
Reuben S. Moore	28
Chichester	
James C. Bates, Sr.	11
Concord	
Ward 1 (2)	
Eli LaFlamme	10
Frank J. Dowd	10
Ward 2 (1)	
Alice Davis	6
Ward 3 (1)	
Arthur F. Henry	6
Ward 4 (3)	
Harold C. Gibson	6
Stuart Hancock	6
Guy A. Swenson** .....	..
Timothy W. Woodman	6
Ward 5 (2)	
Clarence Lessels	6
Conrad W. Robinson	6
Ward 6 (4)	
James E. Mannion	6
Eugene J. O'Neil	6
Elwood Peaslee	6
Ernest W. Saltmarsh	6
Ward 7 (4)	
G. Carroll Cilley	6
William P. Gove	6
Paul B. Maxham	6
Henry C. Newell	6
Ward 8 (1)	
Lila S. Chase	6

Town	Miles
Ward 9 (2)	
Joseph J. Comi	6
Pasquale Rufo	6
Epsom	
Ralph S. Carr	13
Franklin	
Ward 1 (1)	
Leslie Boomhower	21
Ward 2 (2)	
Wiggin S. Gilman	21
William S. Thompson	21
Ward 3 (2)	
Peter P. Charland	21
Arthur B. Leonard	21
Henniker	
Lewis H. Carpenter	18
Hooksett	
Alphonse H. Lafond	17
John B. Mulaire	17
Hopkinton	
Lewis A. Nelson*	10
William L. Montgomery	12
Loudon	
Harold F. Presby	15
Newbury	
Clarence B. Perry	33
New London	
M. Roy London	36
Northfield	
Carll L. Burleigh	19
Pembroke	
Robert E. Plourde	8
George D. Thibeault	8

Town	Miles
Pittsfield	
Mary R. Ayer	18
James F. McGrath	18
Salisbury	
Elmer M. Hunt	17
Warner	
L. Waldo Bigelow, Jr.	18
Webster	
Lloyd H. Stone, Sr.	18
Wilmot	
Arthur E. Thompson	28
Hillsborough County	
Amherst	
Orson H. Bragdon	32
Antrim	
Ellerton H. Edwards	32
Bedford	
Ralph M. Wiggin, Sr.	23
Bennington	
Theodore Aucella	35
Brookline	
Grover C. Farwell	42
Deering	
M. Rosamond Herrick	29
Fracestown	
Israel H. Vadney	32
Goffstown (4)	
Frederick W. Branch, Jr.	20
A. Kenneth Hambleton	20
Elmer B. Nickerson	20
Alfred W. Poore	20

Town	Miles
Greenville	
Alexander M. Taft	47
Hancock	
Julius Q. Pickering	40
Hillsborough	
R. Wayne Crosby	25
Hollis	
Ann J. Goodwin	42
Hudson (3)	
Edward J. Daneault	39
Christopher F. Gallagher	39
George L. Gamache	39
Litchfield	
Howard S. Legallee	32
Manchester	
Ward 1 (4)	
Greta M. Ainley	21
Samuel Green	21
George A. Lang	19
James Pettigrew	20
Ward 2 (5)	
Harry J. Danforth	19
Joseph H. Geisel	19
Henry F. Goode	19
Charles W. Kimball	19
John Pillsbury	19
Ward 3 (4)	
Nick Hart	20
Louis I. Martel	20
Thomas F. Sullivan	20
John M. Tobin	20
Ward 4 (3)	
William J. Cullity	20
Thomas F. Nolan	20

Town	Miles
Patrick J. Winston* .....	..
Walter Burke	20
Ward 5 (5)	
Stanley J. Betley	20
Joseph P. Healy	22
Thomas E. Manning	21
George W. Smith	20
Edward J. Walsh	20
Ward 6 (6)	
Thomas Armstrong	21
Denis F. Casey	21
Edward D. Clancy	21
Joseph F. Ecker	21
Daniel J. Healy	21
Michael F. O'Connor	21
Ward 7 (4)	
Edward T. LaFrance	21
Laurent A. LeBlanc	21
Charles J. Leclerc	21
Alonzo J. Tessier	21
Ward 8 (5)	
Edward Champagne	21
Joseph T. Compagna	21
Eugene H. Delisle, Sr.	21
George L. Lavoie	21
Adelard J. Pelissier	21
Ward 9 (2)	
Beatrice B. Cary	20
Edward W. Morris	22
Ward 10 (4)	
Gerard J. Belanger	21
Alfred A. Bergeron	22
John J. Kearns	21
John W. King	21

Town	Miles
Ward 11 (3)	
George J. Hurley	21
George E. Lafond	21
Maurice H. Noel	21
Ward 12 (4)	
Alphonse O. Levasseur	22
Edward T. Martel	22
John F. Maston	21
Joseph C. Nalette	21
Ward 13 (5)	
Charles E. Daniel	22
Gerard J. DeGrace	22
Albert N. Dion	22
Lorenzo P. Gauthier	21
Hector J. Rousseau	21
Ward 14 (3)	
James Christy	21
Roger J. Crowley, Sr.	21
Marcel A. Vachon	21
Merrimack	
Bert L. Peaslee	34
Milford (3)	
David Deans, Jr.	35
William M. Falconer	34
Charles P. Hayward	35
Nashua	
Ward 1 (4)	
Martha Cole	37
Mabel T. Cooper	37
William A. Saunders	37
George W. Underhill	37
Ward 2 (2)	
Henry J. Salvail	37
Wilfrid G. Thibault	37

Town	Miles
Ward 3 (2)	
Agenor Belcourt	39
Hector J. Trombly	39
Ward 4 (2)	
Cornelius M. Brosnahan	39
James R. Griffin	39
Ward 5 (2)	
Albert Maynard	39
George S. Pappagianis	39
Ward 6 (2)	
John B. Dionne	39
Ernest Marcoux	39
Ward 7 (3)	
Ralph W. Boisvert	39
Arthur J. Chartrain	39
Frank E. Ryan	39
Ward 8 (5)	
Oscar P. Bissonnette	39
Arthur Bouley	39
Alfred P. Grandmaison	39
John Latour	39
Frank C. Sablusi	39
Ward 9 (2)	
Paul E. Bouthillier	39
George J. Gingras	39
New Boston	
Edward F. Locke	25
New Ipswich	
William T. Thompson	53
Pelham	
Alton M. Hodgdon	40
Peterborough (2)	
Chester F. Dutton	48
Benjamin M. Rice	48

Town	Miles
Weare	
Scott F. Eastman	21
Wilton	
George G. Draper, Sr.	41
Cheshire County	
Alstead	
Peyton R. H. Washburn	62
Chesterfield	
James E. O'Neil	66
Dublin	
Belle F. Gowing	56
Fitzwilliam	
Lewis R. Pike	68
Gilsum	
Arthur F. Turner	55
Hinsdale	
Clifford D. Stearns	74
Jaffrey (2)	
Anne B. Gordon	57
Carl C. Spofford	56
Keene	
Ward 1 (3)	
Charles P. Haley	54
Jeremiah J. Keating	55
Roy L. Terrill	54
Ward 2 (2)	
James E. McCullough	53
Kirke W. Wheeler	53
Ward 3 (2)	
Frank J. Bennett	53
Edward E. Brown	53

Town	Miles
Ward 4 (2)	
Ellen Faulkner	54
James B. Miskelly	54
Ward 5 (2)	
Walter P. Kretowicz	55
Laurence M. Pickett	54
Marlborough	
Wallace B. Oliver	58
Marlow	
Roxie A. Forbes	50
Rindge	
James F. Allen	62
Swanzey (2)	
J. Edward Bouvier	63
Jacob M. Hackler	59
Troy	
Robert H. Congdon	63
Walpole (2)	
Louis S. Ballam	72
Robert L. Galloway, Sr.	72
Westmoreland	
John H. Terry, Jr.	65
Winchester (2)	
Forest A. Frost	67
John B. Sawyer	67
Sullivan County	
Charlestown	
Martha McD. Frizzell	63
Claremont	
Ward 1 (3)	
Arthur L. Bradbury	53
William L. Gaffney	53
Amos E. Russell	53

Town	Miles
Ward 2 (3)	
George W. Angus	53
Sam J. Nahil	53
Marion L. Phillips	53
Ward 3 (3)	
Adolph J. Burrows	53
Carmine F. D'Amante	53
Alton G. Desnoyer	53
Cornish	
Fred Davis	62
Langdon	
Arthur G. Marx	64
Lempster	
John A. Wirkkala	54
Newport (4)	
Elsie C. Bailey	44
Herbert E. Brown	44
Maurice J. Downing	44
Jesse R. Rowell	44
Plainfield	
Tracy M. Spalding	71
Springfield	
Seely W. Philbrick	45
Sunapee	
George R. Merrifield	45
Unity	
Margaret B. DeLude	63
Grafton County	
Alexandria	
Almon M. Bucklin	39
Ashland	
Robert H. Eastman	51

Town	Miles
Bath	
Arthur H. Gilbert, Sr.	93
Bethlehem	
Malcolm J. Stevenson	95
Bristol	
Bowdoin Plumer	33
Campton	
Philip S. Willey	61
Canaan	
Joseph L. Graham	55
Enfield	
Isaac H. Sanborn	56
Hanover (4)	
David J. Bradley	69
Elizabeth W. Hayward	69
Robert S. Monahan	69
Genevieve S. Neale	69
Haverhill (2)	
Wilfred J. Larty	89
Norman A. McMeekin	89
Holderness	
Stanley A. Chamberlain	53
Landaff	
George F. Clement	102
Lebanon	
Ward 1 (2)	
George H. Beard	63
George H. Edson	63
Ward 2 (2)	
Ernest R. Coutermarsh	65
John B. Guay	63

Town	Miles
Ward 3 (2)	
J. Daniel Porter	63
Gladys L. Whipple	63
Lincoln	
George M. McGee, Sr.	75
Lisbon	
Rita Collyer	99
Littleton (3)	
Charles F. Armstrong	100
L. Fay Burrill	100
Fred Kelley	100
Lyman	
Archie Birch	103
Lyme	
Harold W. Haskins	80
Monroe	
Katherine G. Johnson	98
Orford	
Charles L. Cushman	90
Piermont	
Meda L. Kinghorn	94
Plymouth (2)	
Kenneth G. Bell	52
Suzanne Loizeaux	52
Rumney	
Jesse A. Barney	52
Thornton	
Richard L. Bradley	70
Wentworth	
Grover C. Breck	60
Woodstock	
Dagmar Davis	69

Town	Miles
Coos County	
Berlin	
Ward 1 (3)	
Oliver A. Dusseault	120
Guy J. Fortier	120
Philip H. Perrault	120
Ward 2 (2)	
Romeo Desilets	120
Frank H. Sheridan	120
Ward 3 (2)	
Hilda C. F. Brungot	120
Marie A. Christiansen	122
Ward 4 (3)	
Arthur A. Bouchard	120
Rebecca A. Gagnon	120
Clarence J. Lacasse	120
Colebrook	
Harry N. Marsh	150
Columbia	
Lovell V. Oakes	156
Dalton	
William O. Emerson	107
Gorham	
Frank L. Crockett	109
George W. W. Graham	109
Jefferson	
Phyllis A. Kimball	106
Lancaster (2)	
Arthur L. Simonds**	111
Louis E. Bragg	111
Walter E. Swett	111
Milan	
R. Wilbur Potter	126

Town	Miles
Northumberland (2)	
Walter O. Bushey	121
Robert B. Styles	121
Pittsburg	
Harvey H. Converse	175
Stark	
Jerry W. Emery	130
Stewartstown	
Claude J. Baker	160
Stratford	
Bert Stinson	135
Whitefield	
Ada C. Taylor	102

* Deceased

** Resigned

The Chair declared a recess.

After Recess

Senate Message

The Senate has voted to accede to the request of the House of Representatives for a Committee of Conference on the following House joint resolution:

House Joint Resolution No. 63, Joint Resolution relative to the Appropriation Committee room and contents and authorizing certain expenses relative to the legislature and others.

The President appointed as Conferees on the Part of the Senate, Senators Adams and Bergeron.

The Committee on Engrossed Bills, to whom was referred Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the first line and inserting in place thereof the following:

4 *Prohibition.* Amend RSA 249:27, as amended by 1959, 50:1 by inserting after the word

Amend section 4 of said bill by striking out the words "not more than twenty-five dollars" and inserting in place thereof the words, not less than twenty-five dollars nor more than one hundred dollars.

On motion of Mr. Cheney of Newton the House concurred in the amendment.

Report of Committee on Engrossed Bills

Mr. Shepard of Londonderry, Mrs. Johnson of Monroe and Mr. Lacasse of Berlin, for the Committee on Engrossed Bills, reported that they have examined and found correctly engrossed the following entitled House Bill and House and Senate Joint Resolutions:

House Bill No. 395, An Act relative to additional grants of school building aid.

House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in the waters of the Great Bay area and the Piscataqua river.

Senate Joint Resolution No. 7, Joint Resolution to provide for the continuation of the investigation of gasoline and fuel oil prices in the state of New Hampshire.

House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove, and in favor of Marion Alexander.

House Bill No. 442, An Act providing for the election of certain city and ward officers in the city of Manchester on a political party basis.

House Bill No. 57, An Act relative to acquisition of land at Hampton Harbor.

House Bill No. 414, An Act continuing the work of the economic growth survey committee.

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye.

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters.

House Bill No. 86, An Act providing for election of county commissioners for Merrimack county by districts for a two year period.

House Bill No. 249, An Act relative to the operation of passenger tramways.

House Bill No. 285, An Act ratifying the northeastern water and related land resources compact.

House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire Teachers' Retirement System for the fiscal year 1960-61.

House Bill No. 520, An Act providing for a deficiency appropriation for the Recreation Division.

House Joint Resolution No. 63, Joint Resolution relative to the appropriations rooms and their contents and authorizing certain expenditures relative to the legislature and others.

Senate Message

The Senate message announced that the Senate has voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters.

The Chair declared a recess.

After Recess

Mr. Gilman of Farmington explained the reason for the delay.

Mr. Pillsbury of Manchester advised the House regarding a conference with the Governor.

(discussion ensued)

The Chair declared a recess.

After Recess

Mr. Snow of Gilmanton advised the House that the Governor was considering vetoing House Bill No. 406, and moved that the bill be recalled from the Governor.

Mr. King of Manchester spoke in favor of the motion.

The Chair stated that the Senate took final action on House Bill No. 406 and therefore Mr. Snow's motion to recall the bill was not in order.

The Chair declared a recess.

After Recess

The Secretary of State appeared before the House and read the following message from His Excellency, Governor Wesley Powell:

September 17, 1959

Mr. Speaker and Honorable Members of the House of Representatives:

I return herewith, without my signature, House Bill No. 395, An Act which would appropriate extra funds for additional school building aid.

I should like to point out first, that, by the regular budget bills we are making available for school construction aid throughout the State, for this biennium, some \$236,000 more than has ever before been appropriated for this purpose. Early in the session it was suggested to me that the administration sponsor an amendment to the statute governing the so-called basic formula for school construction aid, so as to reduce the amount which would be available to our communities for this purpose in this biennium. I emphatically refused to sponsor such legislation and declared it to be the policy of this administration to support wholeheartedly the increase for the biennium which would come about by operation of the formula.

Furthermore, I stated some time ago that legislation providing extra school building construction aid be introduced and appropriately considered. However, I have made it clear throughout the session that in the final analysis of the fiscal budget of the State, following passage of the budget bill would have to determine the extent to which I could endorse extra appropriations for this purpose. I have not at any time endorsed House Bill No. 395 and simply could not do so conscientiously because of the projected shortage of funds in the State Treasury.

The Majority Leader of the Senate, this afternoon, made clear to that body that I would be forced to veto House Bill No. 395, unless the appropriation provided therein were sharply

reduced. I offered a compromise on this issue prior to action by the Senate. By the terms of that compromise, the amount of extra appropriations for school building construction aid would be doubled over the funds provided for this purpose by the 1957 Legislature. Specifically, I offered to sign House Bill No. 395 if the total appropriation provided for therein were reduced to \$120,000, and said sum to be made available for allocation throughout the State, if general fund unrestricted revenues were to reach \$23,000,000 for the fiscal year ending June 30, 1960. I should like to point out that such language and provision would be completely in line with the policy fixed in the 1957 Legislature.

It is regrettable to me that the Senate did not see fit to accept the foregoing compromise for it leaves me with no alternative except this veto message, if I am to meet this responsibility and privilege to do all within my power to avoid the possibility of deficit financing in this new biennium. It is doubly regrettable the Senate has refused the further compromise offered tonight.

WESLEY POWELL,
Governor.

The question before the House is shall the bill pass notwithstanding the veto?

Messrs. Pillsbury of Manchester, Green of Manchester, Angus of Claremont, King of Manchester, McCullough of Keene, Crosby of Hillsborough, Hart of Manchester, Crowley of Manchester, Clement of Rochester and Bradley of Hanover spoke in favor of over-riding the veto.

Messrs. Gilman of Farmington and Kimball of Manchester spoke in favor of upholding the veto.

The roll having been called as follows:

Yeas, 243

ROCKINGHAM COUNTY: Griffin of Auburn, Spollett of Chester, Batchelder, Clark, Kimball of Derry, Blair, Collishaw, Eastman of Exeter, Merrill, Smith of Exeter, Weeks, Spollett of Hampstead, Long, Shepard, Jenkins, Sheehy, LaBranche, Twardus, Palmer of Plaistow, Dondero, Wood, Blaisdell, Ingraham, Langford, Peever, Robinson of South Hampton.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, Wiggin of Dover, Desjardins, Grimes, Dunnington, Stonemetz, Calcutt, Colbath, Flanagan, Bevan, Chase of Durham, Littlehale, Randall, Reid, Moulton, Rolfe, Hartigan, Maxfield, Watson of Rochester, Lacasse of Rochester, Johnson of Rochester, Clement of Rochester, Varney, Maloomian, Habel, Cormier, Vincent.

BELKNAP COUNTY: Rollins, McAllister, Watson of Belmont, Lord, Snow, Harkins, Normandin, MacIsaac, Varrell, Pickering of Meredith, Smith of Meredith, Atwood.

CARROLL COUNTY: Downs, Hill, Roberts, Nickerson of Madison, Brown of Sandwich, Nickerson of Tamworth, Hodgdon, Claflin.

MERRIMACK COUNTY: Guilbeault, Phelps, Hanson, Moore, Bates, Davis of Concord, Henry, Hancock, Gibson, Woodman, Robinson of Concord, Mannion, O'Neil of Concord, Peaslee of Concord, Saltmarsh, Gove, Maxham, Newell, Chase of Concord, Rufo, Carr, Leonard, Carpenter, Lafond of Hooksett, Mulaire, Montgomery, Plourde, Ayer of Pittsfield, McGrath, Bigelow, Stone, Thompson of Wilmot.

HILLSBOROUGH COUNTY: Bragdon, Wiggin of Bedford, Farwell, Herrick, Branch, Pickering of Hancock, Crosby, Goodwin, Daneault, Gallagher, Legallee, Green, Pettigrew, Pillsbury, Hart of Manchester, Sullivan, Tobin, Cullity, Nolan, Burke, Betley, Manning, Walsh, Armstrong of Manchester, Casey, Clancy, Ecker, Healy of Manchester, Ward 6, O'Connor, Lafrance, Cary, Morris, Belanger, Bergeron, Kearns, King, Hurley, Noel, Levasseur, Nalette, Rousseau, Crowley, Vachon, Falconer, Cooper, Saunders, Brosnahan, Maynard, Pappagianis, Dionne of Nashua, Marcoux, Boisvert of Nashua, Chartrain, Bissonette, Bouley, Grandmaison, Latour, Sablusi, Bouthillier, Locke, Thompson of New Ipswich, Dutton, Rice, Eastman of Weare, Draper.

CHESHIRE COUNTY: O'Neil of Chesterfield, Gowing, Turner, Stearns, Gordon of Jaffrey, Spofford, Haley, Terrill, McCullough, Bennett, Brown of Keene, Miskelly, Pickett, Oliver, Allen, Bouvier, Congdon, Ballam, Galloway, Terry.

SULLIVAN COUNTY: Frizzell, Gaffney, Angus, Nahil, Phillips, Burrows, D'Amante, Desnoyer, Davis of Cornish, Wirkkala, Bailey, Brown of Newport, Downing, Philbrick of Springfield, DeLude.

GRAFTON COUNTY: Plumer, Willey, Sanborn of Enfield, Bradley of Hanover, Hayward of Hanover, Monahan, Neale, Larty, McMeekin, Guay of Lebanon, Porter, Whipple, Birch, Haskins, Johnson of Monroe, Kinghorn, Bell, Loizeaux, Barney, Bradley of Thornton, Breck, Davis of Woodstock.

COOS COUNTY: Perrault, Desilets, Sheridan, Gagnon, Lacasse of Berlin, Oakes, Crockett, Graham of Gorham, Bragg, Potter, Bushey, Styles, Stinson, Taylor.

Nays, 65

ROCKINGHAM COUNTY: Prescott of Brentwood, Persson, Hunter, Sanborn of Hampton Falls, Palmer of Kensington, Cheney, Keefe, Murch, Dame, Wardwell, White of Portsmouth, Ward 4, Carkin, Cross, Roulston, Felch.

STRAFFORD COUNTY: Richardson, Drew, Gilman of Farmington, St. Pierre.

BELKNAP COUNTY: Lacaillade, Ayre of Laconia, Prescott of Laconia, Urie, Howe.

CARROLL COUNTY: Diffenderfer, Chamberlain of Wolfboro.

MERRIMACK COUNTY: LaFlamme, Dowd, Boomhower, Gilman of Franklin, Thompson of Franklin, Charland, Burleigh.

HILLSBOROUGH COUNTY: Aucella, Vadney, Hambleton, Nickerson of Goffstown, Goode, Kimball of Manchester, Leclerc, Daniel, DeGrace, Cole, Underhill.

CHESHIRE COUNTY: Washburn, Pike, Keating, Forbes, Frost, Sawyer.

SULLIVAN COUNTY: Marx, Spalding, Merrifield.

GRAFTON COUNTY: Gilbert, Chamberlain of Holderness, McGee, Kelley, Cushman.

COOS COUNTY: Brungot, Christiansen, Marsh, Swett, Converse, Emery, Baker.

The veto on House Bill No. 406 was voted down, and House Bill No. 406 was passed and sent to the Senate for concurrence.

Report of Committee of Conference

The Committee of Conference, to whom was referred House Joint Resolution No. 63, Joint Resolution relative to the Appropriations Committee room and contents and authorizing certain expenditures relative to the legislature and others, having considered the same, report the same with the following recommendation:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and that the following amendment be adopted:

Amend the joint resolution by adding at the end thereof the following:

The office of the secretary of state is hereby allowed the sum of \$5940 for the employment of Benjamin F. Greer, clerk of the senate, during the period from September 28, 1959 to December 31, 1960 at the rate of \$180 biweekly. The services of said Benjamin F. Greer shall be available to interim legislative committees and to the secretary of state's department. The sum hereby allowed shall be a charge on the legislative appropriation. The sum of \$360 is hereby allowed Paul A. Rinden as an additional amount for his services as legislative counsel. Notwithstanding the provisions of 1959, 249:6 the governor's legal counsel shall be allowed eleven hundred dollars and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum of \$222 is hereby allowed Lloyd E. Fogg as an additional amount for his services as sergeant-at-arms of the House. The sum hereby allowed shall be a charge on the legislative appropriation.

In addition to the members already authorized for the special committee to study and review the banking laws of the state there shall be four additional members; three of these additional members of said committee shall be members of the

House appointed by the speaker, and one of the additional members shall be a member of the senate appointed by the president. The total membership shall be thirteen.

BENJAMIN C. ADAMS,
LUCIEN E. BERGERON,
Conferees on the Part of the Senate.

KENNETH G. BELL,
FRANK H. SHERIDAN,
N. A. McMEEKIN,
Conferees on the Part of the House.

On motion of Mr. Bell of Plymouth the House concurred in the report of the Committee of Conference.

The Chair declared a short recess.

After Recess

Indefinitely Postponed

In accordance with the resolution that all bills and joint resolutions pending in either branch on Thursday, September 17, at 5:00 o'clock, EDT, be indefinitely postponed, the following entitled bills and captioned joint resolutions were indefinitely postponed:

House Bill No. 39, An Act relative to major natural disasters.

House Bill No. 55, An Act relative to expenditure of funds for airport construction.

House Bill No. 95, An Act relative to long service benefits for state employees and officials.

House Bill No. 97, An Act relative to grants to regional development associations.

House Bill No. 158, An Act relative to authority of Water Resources Board to aid in carrying out projects for watershed protection.

House Bill No. 306, An Act creating the office of director of veterans services.

House Bill No. 340, An Act relative to intellectually retarded children.

House Bill No. 394, An Act to provide for the construction operation, maintenance and financing of industrial treatment plants for removal of pollution in waters of the state.

House Bill No. 440, An Act relative to longevity compensation for legislative service assistants.

House Joint Resolution No. 35, Joint Resolution for additional electric service for camps in Bear Brook State Park.

House Bill No. 260, An Act relative to fees for registration of private nursery schools and kindergartens.

House Bill No. 352, An Act providing supplemental retirement allowances under the New Hampshire Teachers' retirement system for the fiscal year 1959-1960.

House Bill No. 362, An Act relative to certificates of teachers in certain cases.

House Joint Resolution No. 20, Joint Resolution relative to special appropriation of education of deaf children in schools for the deaf.

House Bill No. 52, An Act providing for the reapportionment of representatives in certain towns for the 1961 session of the General Court.

House Bill No. 374, An Act prohibiting certain public utilities from selling certain appliances.

House Joint Resolution No. 11, Joint Resolution in favor of Leonard Hadley.

House Bill No. 134, An Act making appropriation for control of porcupines.

House Bill No. 208, An Act relating to medical payment provisions in motor vehicle liability policies.

House Bill No. 283, An Act relative to simplification of fiduciary security transfers.

House Bill No. 330, An Act legalizing proceedings of a town meeting held in Litchfield on March 10, 1959.

Senate Bill No. 79, An Act authorizing the purchase of health and accident insurance by towns for town employees.

House Bill No. 376, An Act adopting a uniform statute of limitations on foreign claims act.

House Bill No. 403, An Act relative to settlement of labor disputes of public employees.

House Bill No. 497, An Act relative to Sunday sales.

House Joint Resolution No. 9, Joint Resolution relative to a joint legislative committee to investigate the methods and practices of the management of the Boston & Maine Railroad.

Senate Bill No. 8, An Act relative to public meetings and records.

Senate Bill No. 25, An Act to make unlawful certain political activities in the vicinity of polling places.

Senate Bill No. 26, An Act to apply the principles of home rule to the establishing of salaries of city officials and employees.

House Joint Resolution No. 44, Joint Resolution establishing a committee to investigate certain union activities.

House Bill No. 400, An Act to change the qualifications for service exemption from real estate taxation.

Senate Bill No. 96, An Act increasing the membership of the military staff of the Governor.

House Bill No. 163, An Act legalizing certain meetings for the town of Hudson.

House Bill No. 358, An Act providing for a study as to the feasibility of certain towns in Hillsborough county being annexed to the county of Cheshire.

House Bill No. 464, An Act relative to licenses for hawkers and peddlers.

House Bill No. 313, An Act requiring that prepackaged meat or fish shall have stamped thereon the date of packing.

House Bill No. 405, An Act to repeal the timber tax law.

House Bill No. 276, An Act relative to the crews of railroad locomotives, trains and other self-propelled engines or machines.

House Bill No. 185, An Act authorizing the licensing of dog races on which the pari-mutuel system of betting shall be permitted.

House Bill No. 317, An Act relative to pari-mutuel pools.

House Bill No. 435, An Act imposing service fee on common carriers by air.

House Bill No. 482, An Act relative to timber tax law.

House Bill No. 193, An Act relative to salary of Hillsborough county attorney.

House Bill No. 252, An Act to amend the charter of the city of Nashua relating to defining the boundaries of the wards.

House Bill No. 326, An Act providing for election of county commissioners for the county districts of Belknap county.

House Bill No. 408, An Act increasing the salary of the Belknap county attorney.

House Bill No. 425, An Act to amend the charter of the city of Portsmouth.

House Bill No. 509, An Act relative to the powers of the commissioners of Coos county.

Senate Bill No. 165, An Act relative to vacancies in state classified service.

House Bill No. 198, An Act relative to taking hellgramites.

House Bill No. 381, An Act relative to airways toll.

House Joint Resolution No. 44, Joint Resolution establishing a committee to investigate certain union activities.

House Bill No. 165, An Act relative to vacancies in state classified service.

Senate Bill No. 178, An Act providing funds for a study of records storage and archives, and authorizing certain expenditures relative to the legislature and others.

House Joint Resolution No. 59, Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state, and relative to membership on the special committee to study the apportionment of representatives.

Senate Message

The Senate message has announced that the Senate has voted to adopt the report of the Committee of Conference on the following resolution:

House Joint Resolution No. 63, Joint Resolution relative to the Appropriations Committee room and contents and authorizing certain expenses relative to the legislature and others.

The Chair appointed the following interim committees:

Legislative Council

Mr. Plumer of Bristol, Mr. Clement of Rochester, Mr. Snow of Gilmanton, Mr. Gilman of Farmington, Mr. Marx of Langdon, Mrs. Ayre of Laconia, Mr. Sheridan of Berlin, Mrs. Hartigan of Rochester and Mr. Pappagianis of Nashua.

Gasoline Investigation

Mr. Galloway of Walpole, Mr. Armstrong of Littleton, Mr. Kimball of Manchester and Mrs. St. Pierre of Rochester.

Economic Survey

Mrs. DeLude of Unity and Mr. Malley of Somersworth.

**Addition to Members Already Authorized for Special
Committee to Study and Review Banking Laws of the State**

Mr. Crosby of Hillsborough, Mr. Green of Manchester, Mr. King of Manchester and Mr. Pickett of Keene.

Apportionment

Mr. McMeekin of Haverhill, Mr. Hunt of Salisbury, Mrs. DeLude of Unity, Mr. Pappagianis of Nashua and Mr. Normandin of Laconia.

Mr. Gilman of Farmington offered the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring:

That a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned and to receive any communication which he may be pleased to make.

On a *viva voce* vote the concurrent resolution was adopted.

The Chair appointed the following members to serve on the committee:

Mr. Gilman of Farmington, Mr. Claflin of Wolfeboro, Mr. King of Manchester, Mrs. Davis of Woodstock, Mrs. Brungot of Berlin, Mrs. Ayre of Laconia, Mr. Dowd of Concord, Mrs. Dondero of Portsmouth, Mr. Bennett of Keene, Mr. Marx of Langdon.

On motion of Mr. Gilman of Farmington the House adjourned from the morning session.

Mr. Gilman of Farmington for the committee appointed to wait upon His Excellency, the Governor, and inform him that the legislature has completed its studies, reports that the committee has attended to its duties.

The report was accepted and His Excellency, Governor Wesley Powell, then came in and delivered the following message:

Governor's Message to Prorogue the General Court

Due to the lateness of the hour, my remarks will be very brief and I will not attempt to review our work here since

January. Within a reasonable time I shall prepare a report in detail and mail a copy of it to each of you at your homes.

I do want you to know that I enjoyed working with you during this session of the General Court, regardless of party differences and whether we were in agreement or disagreement on specific issues. It is my wish that you all enjoy the best of health in the days that lie ahead. It is also most appropriate at this time to inform you that, as Governor, I shall be available to assist you, or members of your constituency, in problems that might arise after the adjournment of the General Court. It is with the most friendly attitude that I appear before you to bring this legislative session to a close.

I have been informed by the joint committee of the Senate and House of Representatives that you have completed the business of the session. Therefore, now, by the authority vested in me as Governor, I do hereby declare the General Court adjourned to the last Wednesday in December in the year of Our Lord one thousand nine hundred and sixty.

Benediction was offered by the Chaplain as follows:

May the Lord bless you and keep you. May God lend the support of His companionship to every servant of our people throughout the course of this biennium. Renew in the members of this General Court, in our Governor and in the members of the Governor's Council both health and strength of high purpose, we pray, and rededicate our Governor and Council in the days and months ahead to a faithful stewardship of Thee through and earnest service of Thy people.

May the Lord watch between me and thee when we are absent one from another. (Genesis 31:49) Amen.

By virtue of the proclamation of His Excellency, the Governor, the Chair declared the House of Representatives adjourned at 11:59 o'clock until the last Wednesday of December, 1960.

FRANCIS W. TOLMAN,
Clerk.

A true copy, Attest:

FRANCIS W. TOLMAN,
Clerk.

APPENDIX I

Final Disposition of Bills and Resolutions

APPENDIX I

Final Disposition of Bills and Resolutions

House Bill No. 1, An Act providing one season for taking deer.

Killed.

House Bill No. 2, An Act relative to barbering schools and barbering instructors.

Engrossed.

House Bill No. 3, An Act providing for the elimination of apprentices under the law relative to beauty parlors.

Killed.

House Bill No. 4, An Act relative to licensing of New Hampshire hairdressers who have attended schools in other states.

Killed.

House Bill No. 5, An Act relating to mileage allowance for members of the General Court.

Killed.

House Bill No. 6, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

Engrossed.

House Bill No. 7, An Act relative to classification of a highway in the town of Haverhill.

Engrossed.

House Bill No. 8, An Act relative to civil defense powers of the Governor to provide emergency lines of succession of appointive offices.

Engrossed.

House Bill No. 9, An Act authorizing refund from motor vehicle road toll for state owned motor vehicles.

Killed.

House Bill No. 10, An Act providing for the abolition of the Milk Control Board.

Killed.

House Bill No. 11, An Act relative to engineering studies for future supplies of water for domestic use.

Engrossed.

House Bill No. 12, An Act providing for free distribution of the legislative manual to high schools.

Killed.

House Bill No. 13, An Act relative to giving security in court proceedings.

Engrossed.

House Bill No. 14, An Act extending the time when expenditures can be made from certain aeronautical appropriations.

Engrossed.

House Bill No. 15, An Act relative to ethical practices.

Killed.

House Bill No. 16, An Act relative to throwing, depositing and dumping of refuse.

Engrossed.

House Bill No. 17, An Act relative to town public officials being barred from certain private dealings.

Killed.

House Bill No. 18, An Act relative to suspension of motor vehicle licenses by municipal courts.

Killed.

House Bill No. 19, An Act relative to charter of the city of Portsmouth.

Engrossed.

House Bill No. 20, An Act relative to incompatibility of office of selectman and member of the school board.

Killed.

House Bill No. 21, An Act relative to witnesses before legislative committees.

Killed.

House Bill No. 22, An Act establishing the state historical commission.

Engrossed.

House Bill No. 23, An Act providing for apportionment of pro tempore members of ballot-law commission.

Engrossed.

House Bill No. 24, An Act providing for the election of moderator and supervisors of the checklist at annual town meetings.

Killed.

House Bill No. 25, An Act relative to calling meetings of county executive committee.

Killed.

House Bill No. 26, An Act providing for investigations by county executive committees.

Killed.

House Bill No. 27, An Act relative to exemption under the provisions of the stock-in-trade tax.

Killed.

House Bill No. 28, An Act relative to the conduct of sweepstakes races and the sale of tickets thereto.

Killed.

House Bill No. 29, An Act relative to requirements for licenses under small loans act.

Referred to Bank Study Committee.

House Bill No. 30, An Act relative to the filing of straw candidates.

Killed.

House Bill No. 31, An Act relative to compensation for members of the state aeronautical commission.

Killed.

House Bill No. 32, An Act legalizing the biennial election of 1958 in Mt. Vernon.

Engrossed.

House Bill No. 33, An Act relative to dogs.

Engrossed.

House Bill No. 34, An Act increasing the salary of the justices of the Portsmouth municipal court.

Engrossed.

House Bill No. 35, An Act relative to bail and recognizances and justices of the peace.

Engrossed.

House Bill No. 36, An Act relative to payments to cities and towns by municipal courts.

Engrossed.

House Bill No. 37, An Act relating to non-support.

Engrossed.

House Bill No. 38, An Act relating to the jurisdiction of juvenile courts.

Engrossed.

House Bill No. 39, An Act relative to major natural disasters.

Killed.

House Bill No. 40, An Act relative to serving milk for drinking from bulk containers.

Engrossed.

House Bill No. 41, An Act providing for adjustments on so-called legislative mileage table.

Killed.

House Bill No. 42, An Act relative to fill in great ponds and purchase of sand or gravel from the beds of public waters.

Engrossed.

House Bill No. 43, An Act to provide for payment of state expenses by means of working capital funds.

Engrossed.

House Bill No. 44, An Act increasing the public utilities commission from three to five members and reducing the term from six to five years.

Killed.

House Bill No. 45, An Act relative to compensation for motor vehicle damage resulting from collision with deer.

Killed.

House Bill No. 46, An Act relative to registration fee for public bus.

Killed.

House Bill No. 47, An Act relative to distribution by the state of sums paid by the commonwealth of Massachusetts on account of Merrimack river flood control compact.

Engrossed.

House Bill No. 48, An Act relative to marking of obstructions to air flight.

Killed.

House Bill No. 49, An Act to change the classification of the Crotched Mountain road in Greenfield.

Engrossed.

House Bill No. 50, An Act relative to unused accumulated sick leave by employees.

Killed.

House Bill No. 51, An Act relative to wholesalers permits for sale of liquor and beverages.

Engrossed.

House Bill No. 52, An Act providing for the reapportionment of representatives in certain towns for the 1961 session of the General Court.

Killed.

House Bill No. 53, An Act providing for the assessment and collection of a special head tax for state purposes.

Engrossed.

House Bill No. 54, An Act relative to the repeal of the school per-capita tax.

Killed.

House Bill No. 55, An Act relative to expenditure of funds for airport construction.

Killed.

House Bill No. 56, An Act relative to witness fees in criminal cases.

Engrossed.

House Bill No. 57, An Act relative to payments of Pittsburg and Clarksville in lieu of taxes.

Engrossed.

House Bill No. 58, An Act providing that certain minor children wear life jackets in boats.

Killed.

House Bill No. 59, An Act relative to the sale of bottled alcoholic beverages.

Killed.

House Bill No. 60, An Act relative to lobbyists.

Killed.

House Bill No. 61, An Act providing limitations on rate of interest of loans of over three hundred dollars.

Referred to Bank Study Committee.

House Bill No. 62, An Act providing for an assistant superintendent of schools for Laconia.

Killed.

House Bill No. 63, An Act to establish the Grasmere village district.

Killed.

House Bill No. 64, An Act relative to practice of professional engineering.

Engrossed.

House Bill No. 65, An Act providing for the classification of the surface waters of the Spicket river watershed.

Engrossed.

House Bill No. 66, An Act relative to water pollution classification.

Engrossed.

House Bill No. 67, An Act relative to open season for taking rabbit.

Killed.

House Bill No. 68, An Act limiting the approval of rates by the public utilities commission.

Killed.

House Bill No. 69, An Act legalizing the biennial election of 1958 in the town of Cornish.

Engrossed.

House Bill No. 70, An Act relative to classification of a road from East Lempster to Washington.

Engrossed.

House Bill No. 71, An Act relative to veterans burial expenses.

Engrossed.

House Bill No. 72, An Act to promote the safety, welfare and protection of persons and property in the air and on the ground by regulating height, location and visual and aural identification, characteristics of certain structures.

Engrossed.

House Bill No. 73, An Act relative to registration of commercial fertilizers, minimum plant food content in fertilizers and registration under protest.

Engrossed.

House Bill No. 74, An Act relative to fees for registering brands of commercial feed and providing for so-called under protest registration.

Engrossed.

House Bill No. 75, An Act relating to the police commission of the city of Portsmouth.

Killed.

House Bill No. 76, An Act relative to change in classification for Big Diamond Pond road.

Killed.

House Bill No. 77, An Act relative to curriculum to be taught in High Schools.

Engrossed.

House Bill No. 78, An Act relative to terms of Superior Court for the county of Rockingham.

Killed.

House Bill No. 79, An Act authorizing Norman Smith to apply for Korean bonus.

Killed.

House Bill No. 80, An Act relative to salaries of justice of Somersworth municipal court and municipal court in Goffstown.

Engrossed.

House Bill No. 81, An Act relative to fees of clerks for recording conditional sales and chattel mortgages.

Killed.

House Bill No. 82, An Act increasing tax on admission for boxing and wrestling and relative to use of funds.

Engrossed.

House Bill No. 83, An Act exempting from registration fee motor vehicles owned by veteran amputees.

Engrossed.

House Bill No. 84, An Act relative to the assessor of Franklin.

Engrossed.

House Bill No. 85, An Act relative to a vacancy in office of mayor of the city of Berlin.

Engrossed.

House Bill No. 86, An Act providing for election of county commissioners for the county district of Merrimack county.

Engrossed.

House Bill No. 87, An Act to legalizing greyhound racing in New Hampshire and to establish a state greyhound commission.

Killed.

House Bill No. 88, An Act relative to audits of county accounts by the Tax Commission.

Killed.

House Bill No. 89, An Act relating to operation of boats while under the influence of liquor.

Engrossed.

House Bill No. 90, An Act relating to the suspension of boat registration.

Engrossed.

House Bill No. 91, An Act relating to violation of boating laws by juveniles.

Killed.

House Bill No. 92, An Act providing assistance for certain towns for relocation of town roads affected by construction of Hopkinton-Everett flood control project.

Engrossed.

House Bill No. 93, An Act increasing certain resident fishing and hunting license fees.

Killed.

House Bill No. 94, An Act providing for the classification of Berry Pond and Berry Pond brook.

Engrossed.

House Bill No. 95, An Act relative to long service benefits for state employees and officials.

Killed.

House Bill No. 96, An Act appropriating funds for state soil conservation programs.

Killed.

House Bill No. 97, An Act relative to grants to regional development associations.

Killed.

House Bill No. 98, An Act legalizing a special meeting of the school district of Milton, and the proceedings of the board of investigation to permit exceeding debt limit.

Engrossed.

House Bill No. 99, An Act relative to porcupines.

Engrossed.

House Bill No. 100, An Act relating to a bridge or bridges across Merrimack river in vicinity of Nashua.

Engrossed.

House Bill No. 101, An Act relative to appeals from assessment of damages for highway layout.

Killed.

House Bill No. 102, An Act to authorize a parkway type public highway through Franconia Notch.

Engrossed.

House Bill No. 103, An Act relating to school buses.

Killed.

House Bill No. 104, An Act relative to maximum length of motor vehicles.

Engrossed.

House Bill No. 105, An Act relative to group life insurance limits — model definition.

Engrossed.

House Bill No. 106, An Act relative to discharge or removal from office of county employees.

Engrossed.

House Bill No. 107, An Act relative to powers of the Manchester Finance Commission.

Killed.

House Bill No. 108, An Act legalizing the biennial election of 1958 in the town of Sanbornton.

Engrossed.

House Bill No. 109, An Act relative to presence of minors in cocktail rooms.

Killed.

House Bill No. 110, An Act relative to town aid to veterans.

Engrossed.

House Bill No. 111, An Act relative to classification of a highway in the town of Gilmanton.

Killed.

House Bill No. 112, An Act relative to salaries of state employees.

Killed.

House Bill No. 113, An Act activating the state guard in preparation for utilization in the event of disaster or war and integrating it within civil defense organization.

Killed.

House Bill No. 114, An Act relative to definition of Fly under fishing laws.

Engrossed.

House Bill No. 115, An Act relative to reciprocal fishing rights in Connecticut river.

Engrossed.

House Bill No. 116, An Act relative to misuse of deer coupons.

Engrossed.

House Bill No. 117, An Act relative to sales of brook trout as food in retail stores.

Engrossed.

House Bill No. 118, An Act relative to prohibited use of artificial lights in night hunting.

Engrossed.

House Bill No. 119, An Act relative to clams, clam worms and oysters.

Engrossed.

House Bill No. 120, An Act relative to prosecution of violation of fish and game laws by juveniles under the age of eighteen years.

Killed.

House Bill No. 121, An Act increasing certain penalties for violations of fish and game laws.

Engrossed.

House Bill No. 122, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission.

Killed.

House Bill No. 123, An Act authorizing the Salem school district to exceed its debt limit and to incur indebtedness not to exceed eight hundred and fifty-five thousand dollars.

Engrossed.

House Bill No. 124, An Act relative to preparation and distribution of a manual for municipal officers.

Killed.

House Bill No. 125, An Act relative to taking muskrat.

Engrossed.

House Bill No. 126, An Act relative to conduct of business on legal holidays.

Killed.

House Bill No. 127, An Act relative to damaging and detaining library and gallery property.

Engrossed.

House Bill No. 128, An Act relative to religious instruction.

Killed.

House Bill No. 129, An Act legalizing town meeting held in town of Colebrook, March 11, 1958.

Engrossed.

House Bill No. 130, An Act increasing the rate for minimum wages.

Engrossed.

House Bill No. 131, An Act relative to registration fees of motor boats and outboard motors.

Engrossed.

House Bill No. 132, An Act providing for an assistant superintendent of schools for Claremont.

Killed.

House Bill No. 133, An Act relating to authority of the fish and game director to control porcupine.

Killed.

House Bill No. 134, An Act making appropriation for control of porcupines.

Killed.

House Bill No. 135, An Act to provide for group hospitalization benefits covering state employees.

Referred to Legislative Council.

House Bill No. 136, An Act relative to injuring property while taking fish and game.

Engrossed.

House Bill No. 137, An Act relative to duty of town clerk as to copy of certificate of marriage of non-residents.

Engrossed.

House Bill No. 138, An Act relative to birth registration cards, fees for vital statistic records, and for correction of vital records.

Engrossed.

House Bill No. 139, An Act relative to report of marriages solemnized outside the state, and increasing fee for solemnizing marriage.

Killed.

House Bill No. 140, An Act relative to practice of physical therapy.

Killed.

House Bill No. 141, An Act relative to property holding of Winnepesaukee Camp Meeting Association.

Engrossed.

House Bill No. 142, An Act relative to recreational advertising for the Flume, Lafayette, Campground, and the Basin and Fay Wayside Area, so-called.

Killed.

House Bill No. 143, An Act providing for classification of certain surface waters of the Connecticut River watershed.

Engrossed.

House Bill No. 144, An Act relative to boiler and pressure vessel inspection.

Killed.

House Bill No. 145, An Act relative to construction or reconstruction of water supply systems and sewage disposal systems.

Engrossed.

House Bill No. 146, An Act designating the House of Correction in Rockingham county as a jail.

Killed.

House Bill No. 147, An Act relative to destruction of certain records in the department of Public Welfare.

Engrossed.

House Bill No. 148, An Act relative to aid to the needy blind and aid to dependent children.

Engrossed.

House Bill No. 149, An Act in relation to extension courses at the teachers' college.

Engrossed.

House Bill No. 150, An Act designating Lake Francis as a public water.

Killed.

House Bill No. 151, An Act relative to the Laconia Board of Education.

Engrossed.

House Bill No. 152, An Act relative to removing restrictions on the marriage of epileptic persons.

Engrossed.

House Bill No. 153, An Act relative to annual salaries of Hillsborough county commissioners.

Killed.

House Bill No. 154, An Act relative to use of fluorine in the public water supply of the city of Concord.

Engrossed.

House Bill No. 155, An Act relative to possession of wire cutters.

Killed.

House Bill No. 156, An Act relative to mileage rate for employees of employment security department using private cars.

Killed.

House Bill No. 157, An Act relative to pari-mutuel pools at race meetings.

Killed.

House Bill No. 158, An Act relative to authority of Water Resources Board to aid in carrying out projects for watershed protection.

Killed.

House Bill No. 159, An Act relative to prohibited sales of alcoholic beverages.

Killed.

House Bill No. 160, An Act providing for a longer season and increased license fees for bow and arrow hunting.

Engrossed.

House Bill No. 161, An Act relative to bow and arrow hunting for deer on islands.

Killed.

House Bill No. 162, An Act relative to county attorneys.

Engrossed.

House Bill No. 163, An Act legalizing certain meetings for the town of Hudson.

Killed.

House Bill No. 164, An Act relative to milk standards.

Engrossed.

House Bill No. 165, An Act establishing a franchise tax on gas and electric utilities.

Engrossed.

House Bill No. 166, An Act relating to the practice of professional nursing.

Engrossed.

House Bill No. 167, An Act relative to education of children of state employees residing on state owned property.

Killed.

House Bill No. 168, An Act to provide for the regulation of credit life insurance and credit accident and health insurance.

Engrossed.

House Bill No. 169, An Act relative to requirements for candidates to appear on the primary ballot for nomination as Governor, United States Senator or Representative to Congress.

Killed.

House Bill No. 170, An Act relative to destruction of records by Bureau of Food and Chemistry.

Engrossed.

House Bill No. 171, An Act relative to answer to questions appearing on ballots.

Killed.

House Bill No. 172, An Act relative to use of outboard motors and power boats by Fish and Game Department personnel.

Engrossed.

House Bill No. 173, An Act penalizing persons remaining on private property after being requested to leave by owners.

Engrossed.

House Bill No. 174, An Act relative to operation of boats on Squam Lake.

Killed.

House Bill No. 175, An Act to provide for a study of public access to the public lakes and ponds in the state over ten acres in extent.

Legislative Council.

House Bill No. 176, An Act relating to limit of accumulations of the boys and girls benefit fund.

Engrossed.

House Bill No. 177, An Act to provide increased benefits under the state employees retirement system.

Killed.

House Bill No. 178, An Act to increase the powers of St. Anthony College.

Engrossed.

House Bill No. 179, An Act relative to compensation of jurors.

Engrossed.

House Bill No. 180, An Act relative to hawks and owls and taking of protected birds.

Engrossed.

House Bill No. 181, An Act relative to sale of liquor or beverage to a minor.

Engrossed.

House Bill No. 182, An Act relative to the sale of Concord Armory.

Engrossed.

House Bill No. 183, An Act relative to reaching bank accounts by trustee process.

Killed.

House Bill No. 184, An Act relative to off-sale permits for restaurants.

Killed.

House Bill No. 185, An Act authorizing the licensing of dog races on which the pari-mutuel system of betting shall be permitted.

Killed.

House Bill No. 186, An Act making uniform the laws governing fraternal benefit societies.

Killed.

House Bill No. 187, An Act relative to registration of motor vehicles of foreign manufacturers.

Engrossed.

House Bill No. 188, An Act relative to Board of Education of the city of Franklin.

Engrossed.

House Bill No. 189, An Act relative to municipal budget law.

Engrossed.

House Bill No. 190, An Act relative to reimbursement to town of loss of tax on forest reserve lands.

Engrossed.

House Bill No. 191, An Act relative to classification of Ammonoosuc river and its tributaries.

Engrossed.

House Bill No. 192, An Act relative to appropriations for the University of New Hampshire.

Killed.

House Bill No. 193, An Act relative to salary of Hillsborough county attorney.

Killed.

House Bill No. 194, An Act relative to personnel at state Department of Health laboratory.

Engrossed.

House Bill No. 195, An Act relative to searches for lost persons and drowning victims by the Fish and Game Department.

Killed.

House Bill No. 196, An Act relative to minimum wages paid to county employees.

Killed.

House Bill No. 197, An Act relative to fish and game licenses for certain resident aliens.

Engrossed.

House Bill No. 198, An Act relative to taking hellgramites.

Killed.

House Bill No. 199, An Act to establish time and one-half for overtime work performed by trade classification employees in the Department of Public Works and Highways.

Engrossed.

House Bill No. 200, An Act relative to state aid for nursing education.

Engrossed.

House Bill No. 201, An Act relative to allow state to take advantage of federal benefits to education under national defense education act of 1958.

Engrossed.

House Bill No. 202, An Act relative to definition of average final compensation in the New Hampshire teachers retirement system.

Killed.

House Bill No. 203, An Act eliminating manufacturers raw materials from stock in trade tax.

Killed.

House Bill No. 204, An Act to authorize defendants to seek summary procedures for judgment in actions of contracts to which there is no defense.

Engrossed.

House Bill No. 205, An Act relating to joinder of certain parties in court actions.

Killed.

House Bill No. 206, An Act relating to contributory negligence as a defense in motor vehicle accidents.

Killed.

House Bill No. 207, An Act relating to the operation of motor buses.

Engrossed.

House Bill No. 208, An Act relating to medical payment provisions in motor vehicle liability policies.

Killed.

House Bill No. 209, An Act relative to the budget process of the board of aldermen of the city of Nashua.

Killed.

House Bill No. 210, An Act relative to the sale of bottled liquor.

Killed.

House Bill No. 211, An Act relative to the board of aldermen of the city of Nashua.

Killed.

House Bill No. 212, An Act relating to the competency of notaries.

Engrossed.

House Bill No. 213, An Act relating to investments of savings banks.

Engrossed.

House Bill No. 214, An Act relating to statements of account between bank and depositors.

Engrossed.

House Bill No. 215, An Act relating to statements of cashiers of national banks.

Engrossed.

House Bill No. 216, An Act requiring affidavits to be filed before names are added to a checklist.

Killed.

House Bill No. 217, An Act relative to neglected and delinquent children.

Killed.

House Bill No. 218, An Act granting zoning authorities to Contoocook fire precinct and Hopkinton Village fire precinct.

Engrossed.

House Bill No. 219, An Act providing for a special committee to be known as the Governor's committee on higher education in the state.

Killed.

House Bill No. 220, An Act providing open season for taking fisher.

Killed.

House Bill No. 221, An Act reducing bounty on bobcats and lynx.

Killed.

House Bill No. 222, An Act relative to so-called timber tax.

Engrossed.

House Bill No. 223, An Act to prohibit use of carbon tetrachloride in fire extinguishers.

Killed.

House Bill No. 224, An Act forbidding discrimination in employment on account of age.

Killed.

House Bill No. 225, An Act closing the season for taking hen pheasants for a period of two years.

Killed.

House Bill No. 226, An Act establishing a minimum length for brook trout.

Killed.

House Bill No. 227, An Act relating to the appointment of committees in the House of Representatives.

Killed.

House Bill No. 228, An Act relative to the valuation of life insurance policies.

Engrossed.

House Bill No. 229, An Act relative to life accident and health insurance benefits for regular employees of the city of Somersworth.

Killed.

House Bill No. 230, An Act relative to school building aid for Newington school district.

Killed.

House Bill No. 231, An Act relative to school building aid.

Killed.

House Bill No. 232, An Act relative to temporary certificates for operation of motor vehicles in certain cases.

Killed.

House Bill No. 233, An Act coordinating retirement age for women employees under state employees retirement system with that provided under federal social security act.

Engrossed.

House Bill No. 234, An Act relative to payment of costs in cooperative school districts.

Engrossed.

House Bill No. 235, An Act relative to insurance on the Cannon Mountain and Mount Sunapee aerial tramways.

Killed.

House Bill No. 236, An Act repealing the tax on draft animals, neat stock, sheep, goats, hogs and poultry.

Killed.

House Bill No. 237, An Act relative to construction of multiple apartment housing facilities at the University of New Hampshire and to be liquidated from income.

Engrossed.

House Bill No. 238, An Act authorizing the director of purchase and property to purchase in advance of requisition.

Engrossed.

House Bill No. 239, An Act providing for special non-resident student hunting license.

Engrossed.

House Bill No. 240, An Act relative to checking accounts of minors.

Engrossed.

House Bill No. 241, An Act relative to employment of minors under liquor and beverage laws.

Engrossed.

House Bill No. 242, An Act to enforce safety, sanitation and adequate shelter for railroad employees.

Killed.

House Bill No. 243, An Act in relation to district liabilities for elementary school tuition.

Engrossed.

House Bill No. 244, An Act relative to borrowing by counties.

Engrossed.

House Bill No. 245, An Act relative to license fees for persons operating a vehicle used in business of buying and selling live poultry.

Engrossed.

House Bill No. 246, An Act to define and to provide for licensing of real estate brokers and real estate salesmen.

Engrossed.

House Bill No. 247, An Act relative to hunting during open season for taking deer by a person who has during the same season taken a deer.

Killed.

House Bill No. 248, An Act relative to police in town of Sunapee.

Killed.

House Bill No. 249, An Act relative to the operation of passenger tramways.

Engrossed.

House Bill No. 250, An Act changing the name of trustees of the Methodist Episcopal meeting house in Rochester and increasing its property holdings.

Engrossed.

House Bill No. 251, An Act relative to appeals in municipal building regulation matters.

Engrossed.

House Bill No. 252, An Act to amend the charter of the city of Nashua relating to defining the boundaries of the wards.

Killed.

House Bill No. 253, An Act relative to reexamination of motor vehicle operators in certain cases.

Killed.

House Bill No. 254, An Act providing for the issuance of probationary motor vehicle license.

Killed.

House Bill No. 255, An Act extending season for taking raccoon.

Engrossed.

House Bill No. 256, An Act relating to workmen's compensation appeals.

Killed.

House Bill No. 257, An Act increasing examination fees for the practice of accountancy.

Engrossed.

House Bill No. 258, An Act relative to license fees for persons purchasing milk or cream for resale or manufacture.

Engrossed.

House Bill No. 259, An Act relative to license fees for recreational camps.

Engrossed.

House Bill No. 260, An Act relative to fees for registration of private nursery schools and kindergartens.

Killed.

House Bill No. 261, An Act providing for certain fees for approval of corporation papers by Attorney General.

Killed.

House Bill No. 262, An Act relative to examination and licensing of electricians.

Killed.

House Bill No. 263, An Act relative to milk control.

Killed.

House Bill No. 264, An Act relative to emergency borrowing by state treasurer.

Engrossed.

House Bill No. 265, An Act increasing the salary of the Cheshire county attorney.

Engrossed.

House Bill No. 266, An Act legalizing caucus held in the town of Newport.

Engrossed.

House Bill No. 267, An Act to extend the scope of operations of the University of New Hampshire.

Killed.

House Bill No. 268, An Act relative to compulsory tests for intoxication.

Killed.

House Bill No. 269, An Act providing for per pupil grants to local school districts.

Referred to the Special Session of 1960.

House Bill No. 270, An Act relative to group life insurance.

Killed.

House Bill No. 271, An Act relative to fees for license to carry pistols and revolvers.

Engrossed.

House Bill No. 272, An Act relative to bank holding companies.

Killed.

House Bill No. 273, An Act relative to transportation of alcoholic beverages in motor vehicles.

Engrossed.

House Bill No. 274, An Act relative to approval of executive committee in certain county matters.

Killed.

House Bill No. 275, An Act relating to practice of medicine and licensing provisions.

Engrossed.

House Bill No. 276, An Act relative to the crews of railroad locomotives, trains and other self-propelled engines or machines.

Killed.

House Bill No. 277, An Act relative to local civil defense emergencies.

Killed.

House Bill No. 278, An Act to provide revenue for cities and towns.

Killed.

House Bill No. 279, An Act relative to purchase and selling of live poultry.

Engrossed.

House Bill No. 280, An Act relative to fines for overtime parking at state owned parking areas at Hampton Beach.

Engrossed.

House Bill No. 281, An Act relative to term of office of town auditors in certain cases.

Engrossed.

House Bill No. 282, An Act to restrict authority of tax commission relative to tax reassessment.

Engrossed.

House Bill No. 283, An Act relative to simplification of fiduciary security transfers.

Killed.

House Bill No. 284, An Act authorizing fish and game director to prescribe seasons for taking of game.

Killed.

House Bill No. 285, An Act ratifying the New England water and relating land resources compact.

Engrossed.

House Bill No. 286, An Act relative to payments to outside schools furnishing instructions not available in this state.

Engrossed.

House Bill No. 287, An Act relative to harness receipts.
Engrossed.

House Bill No. 288, An Act relating to defamation by radio or television.

Engrossed.

House Bill No. 289, An Act providing for inspection and licensing of places for sale of live animals and birds.

Engrossed.

House Bill No. 290, An Act relative to destruction of records of conditional sales and chattel mortgages.

Referred to Judicial Council.

House Bill No. 291, An Act relative to license fees for agents of unlicensed insurance companies.

Engrossed.

House Bill No. 292, An Act empowering the authorized representative of the estate of Albert Manchester to apply for Korean bonus.

Killed.

House Bill No. 293, An Act establishing a run-off primary.
Referred to the Legislative Council.

House Bill No. 294, An Act relating to municipal courts.
Engrossed.

House Bill No. 295, An Act relating to the milk fat content of ice cream.

Killed.

House Bill No. 296, An Act relative to definition of semi-trailer under motor vehicle laws.

Engrossed.

House Bill No. 297, An Act relative to board of funeral directors and interstate agreements.

Engrossed.

House Bill No. 298, An Act relative to payment of claims arising out of activities of national guard.

Engrossed.

House Bill No. 299, An Act relative to required number of school days in each year for standard elementary schools.

Engrossed.

House Bill No. 300, An Act relative to liens for labor and materials.

Killed.

House Bill No. 301, An Act adopting the uniform rendition of prisoners as witnesses in criminal proceedings act.

Engrossed.

House Bill No. 302, An Act relative to confidential nature of adoption records and proceedings.

Engrossed.

House Bill No. 303, An Act regulating trading stamp companies.

Engrossed.

House Bill No. 304, An Act adopting uniform facsimile signatures of public officials act.

Engrossed.

House Bill No. 305, An Act relative to investments of credit unions.

Engrossed.

House Bill No. 306, An Act creating the office of director of veterans services.

Killed.

House Bill No. 307, An Act adopting the uniform estate tax apportionment tax.

Engrossed.

House Bill No. 308, An Act relative to school building aid for school district of Mason.

Engrossed.

House Bill No. 309, An Act relating to use of facsimile signatures in the drawing of checks by the treasurers of school districts.

Engrossed.

House Bill No. 310, An Act relative to increase of benefit rates, disqualification for benefits and reciprocal arrangements under unemployment compensation law.

Engrossed.

House Bill No. 311, An Act providing for appointment for acting city manager for Portsmouth.

Engrossed.

House Bill No. 312, An Act relative to technical institutes.

Engrossed.

House Bill No. 313, An Act requiring that prepackaged meat or fish shall have stamped thereon the date of packaging.

Killed.

House Bill No. 314, An Act relative to effective date of federal-state old age and survivors insurance agreements.

Engrossed.

House Bill No. 315, An Act providing additional benefits to state employees upon retirement.

Killed.

House Bill No. 316, An Act relative to the salary of the justice of the Seabrook municipal court.

Engrossed.

House Bill No. 317, An Act relative to pari-mutuel pools.

Killed.

House Bill No. 318, An Act requiring ticket printers on petroleum delivery meters.

Killed.

House Bill No. 319, An Act to provide for operation and maintenance of Belknap county recreational area.

Engrossed.

House Bill No. 320, An Act providing time limitation for second offense of driving while intoxicated.

Engrossed.

House Bill No. 321, An Act establishing an agreement on detainers.

Engrossed.

House Bill No. 322, An Act relative to definitions, powers of labor commissioner and benefits under the workmen's compensation law.

Engrossed.

House Bill No. 323, An Act providing funds by sale of bonds to reimburse the general fund of the state for payment of the utility franchise refund.

Engrossed.

House Bill No. 324, An Act relative to the charter of the Bristol savings bank.

Engrossed.

House Bill No. 325, An Act relating to Korean bonus.

Engrossed.

House Bill No. 326, An Act providing for election of county commissioners for the county districts of Belknap county.

Killed.

House Bill No. 327, An Act establishing central purchasing department for towns.

Engrossed.

House Bill No. 328, An Act naming Kancamagus Highway.

Killed.

House Bill No. 329, An Act relative to debt limits of municipalities for purchase of meters.

Engrossed.

House Bill No. 330, An Act legalizing proceedings of a town meeting held in Litchfield on March 10, 1959.

Killed.

House Bill No. 331, An Act to provide for appointment of guardians of either the person or property of minors or both.

Engrossed.

House Bill No. 332, An Act relative to inspectors of elections.

Engrossed.

House Bill No. 333, An Act relative to required courses of instruction in schools.

Engrossed.

House Bill No. 334, An Act authorizing certain deductions from retirement benefits of state employees.

Engrossed.

House Bill No. 335, An Act relative to taking wild deer.

Killed.

House Bill No. 336, An Act naming Hubbard Cove.

Killed.

House Bill No. 337, An Act relating to private nursery schools.

Engrossed.

House Bill No. 338, An Act regulating gasoline price signs.

Killed.

House Bill No. 339, An Act relative to control of aquatic nuisances.

Engrossed.

House Bill No. 340, An Act relative to intellectually retarded children.

Killed.

House Bill No. 341, An Act establishing a comprehensive system of district courts.

Killed.

House Bill No. 342, An Act legalizing certain action taken at town meeting in the town of Littleton.

Killed.

House Bill No. 343, An Act providing an increase in motor vehicle road tolls.

Engrossed.

House Bill No. 344, An Act legalizing the annual town meeting held in Brentwood March 10, 1959.

Engrossed.

House Bill No. 345, An Act relative to employment of residents of the state at race meets.

Killed.

House Bill No. 346, An Act relative to terms of court for Grafton county.

Killed.

House Bill No. 347, An Act relating to building aid for cooperative school districts.

Killed.

House Bill No. 348, An Act establishing a department of commerce.

Killed.

House Bill No. 349, An Act to provide for a consolidated bond issue to reimburse the state treasury.

Engrossed.

House Bill No. 350, An Act relative to display of flowers and plants in food stores.

Killed.

House Bill No. 351, An Act entitled the uniform commercial code.

Referred to Judicial Council.

House Bill No. 352, An Act providing supplemental retirement allowances under the New Hampshire Teachers' retirement system for the fiscal year 1959-1960.

Killed.

House Bill No. 353, An Act providing supplemental retirement allowances under the New Hampshire Teachers' retirement system for the fiscal year 1960-1961.

Engrossed.

House Bill No. 354, An Act legalizing the proceedings of the annual school meeting held in the town of Antrim.

Engrossed.

House Bill No. 355, An Act relative to officers of credit unions.

Engrossed.

House Bill No. 356, An Act providing for an additional appropriation for the legislature.

Engrossed.

House Bill No. 357, An Act relative to folding and depositing ballots at elections.

Killed.

House Bill No. 358, An Act providing for a study as to the feasibility of certain towns in Hillsborough county being annexed to the county of Cheshire.

Killed.

House Bill No. 359, An Act providing for admission of fact or execution of paper in actions at law or suits in equity.

Killed.

House Bill No. 360, An Act relative to doctrine of comparative negligence.

Killed.

House Bill No. 361, An Act relative to sale of recapped motor vehicle tires.

Killed.

House Bill No. 362, An Act relative to certificates of teachers in certain cases.

Killed.

House Bill No. 363, An Act relating to city charter of the city of Laconia.

Engrossed.

House Bill No. 364, An Act establishing the humane slaughter law.

Engrossed.

House Bill No. 365, An Act relative to determination of final compensation under state employees' retirement system.

Engrossed.

House Bill No. 366, An Act relative to spite fences.

Killed.

House Bill No. 367, An Act providing for an assistant superintendent for the city of Rochester.

Killed.

House Bill No. 368, An Act relative to recording certain instruments.

Killed.

House Bill No. 369, An Act relative to transfers of certain juvenile cases to the superior court.

Killed.

House Bill No. 370, An Act concerning trustee process on county officials or employees.

Engrossed.

House Bill No. 371, An Act disannexing a certain home-
stead in the town of Goffstown from the city of Manchester
for school purposes.

Engrossed.

House Bill No. 372, An Act legalizing the proceedings of
the annual town meeting of the New Hampshire school district.

Engrossed.

House Bill No. 373, An Act adopting the uniform manda-
tory disposition of detainers act.

Killed.

House Bill No. 374, An Act prohibiting certain public
utilities from selling certain appliances.

Killed.

House Bill No. 375, An Act transferring operation of
parking areas at Hampton to the public works and highways
department.

Killed.

House Bill No. 376, An Act adopting a uniform statute
of limitations on foreign claims act.

Killed.

House Bill No. 377, An Act adopting the Uniform
Reciprocal Enforcement of Support Act.

Engrossed.

House Bill No. 378, An Act relative to sale of state
property.

Killed.

House Bill No. 379, An Act relative to committee assign-
ments for certain members of the House of Representatives.

Killed.

House Bill No. 380, An Act relative to dealers in used motor vehicles.

Killed.

House Bill No. 381, An Act relative to airways toll.

Killed.

House Bill No. 382, An Act providing for admission of records of hospitals in actions at law or suits in equity.

Killed.

House Bill No. 383, An Act to provide for admissibility of written statements obtained from persons sustaining personal injuries.

Killed.

House Bill No. 384, An Act to provide for admission of learned treatises in malpractice actions.

Killed.

House Bill No. 385, An Act regulating the Goffstown police department.

Engrossed.

House Bill No. 386, An Act relative to hospital licensing and hospital survey and construction.

Engrossed.

House Bill No. 387, An Act relative to motor vehicle license plates issued to members of the General Court.

Engrossed.

House Bill No. 388, An Act legalizing school district meeting held in Farmington on March 10, 1959.

Engrossed.

House Bill No. 389, An Act relative to sessions for correction of check list at elections.

Killed.

House Bill No. 390, An Act relative to taking fresh water smelt and pickerel.

Engrossed.

House Bill No. 391, An Act relative to real estate belonging to the state.

Killed.

House Bill No. 392, An Act relative to standards of barbers.

Killed.

House Bill No. 393, An Act relative to the operation of state liquor stores.

Killed.

House Bill No. 394, An Act to provide for the construction operation, maintenance and financing of industrial treatment plants for removal of pollution in waters of the state.

Killed.

House Bill No. 395, An Act relative to additional grants of school building aid.

Engrossed.

House Bill No. 396, An Act authorizing the city of Franklin to issue bonds.

Engrossed.

House Bill No. 397, An Act legalizing the school district meeting held in South Hampton on March 17, 1959.

Engrossed.

House Bill No. 398, An Act legalizing a certain action taken by the town of Raymond.

Killed.

House Bill No. 399, An Act legalizing action at the annual meeting of Litchfield school district held on March 7, 1959.

Engrossed.

House Bill No. 400, An Act to change the qualifications for service exemption from real estate taxation.

Killed.

House Bill No. 401, An Act establishing the Manchester airport authority.

Engrossed.

House Bill No. 402, An Act to create the town of Hampton marsh reclamation authority.

Engrossed.

House Bill No. 403, An Act relative to settlement of labor disputes of public employees.

Killed.

House Bill No. 404, An Act relating to motor vehicle inspections.

Killed.

House Bill No. 405, An Act to repeal the timber tax law.

Killed.

House Bill No. 406, An Act providing for reprinting volume II of the revised statutes annotated.

Engrossed.

House Bill No. 407, An Act to provide for cumulative pocket supplements for the revised statutes annotated.

Engrossed.

House Bill No. 408, An Act increasing the salary of the Belknap county attorney.

Killed.

House Bill No. 409, An Act relative to reports of incomes by certain county and municipal officers.

Engrossed.

House Bill No. 410, An Act relative to power of director of fish and game to make rules and regulations.

Killed.

House Bill No. 411, An Act relative to additional assistant superintendent and helping teacher in the city of Manchester.

Killed.

House Bill No. 412, An Act relative to reimbursement of general funds for expenditures for fish and game department.

Engrossed.

House Bill No. 413, An Act providing for the acquisition of the so-called Island at Nubanusit Lake.

Killed.

House Bill No. 414, An Act continuing work of economic growth survey committee.

Engrossed.

House Bill No. 415, An Act relative to hours for sale of liquor in restaurants.

Killed.

House Bill No. 416, An Act relative to reimbursement of towns of Deering for loss of taxes.

Killed.

House Bill No. 417, An Act to change ward lines in the city of Laconia.

Engrossed.

House Bill No. 418, An Act relative to the powers of the Hillsborough county commissioners.

Killed.

House Bill No. 419, An Act relative to cooperative school districts.

Killed.

House Bill No. 420, An Act establishing a police commission for the town of Wolfeboro.

Engrossed.

House Bill No. 421, An Act relative to the use of seines and weirs in taking salt water smelt.

Killed.

House Bill No. 422, An Act for emergency location of state and municipal government.

Killed.

House Bill No. 423, An Act changing the administration of Lebanon from city government to town government.

Killed.

House Bill No. 424, An Act relative to drinking in unlicensed public places.

Killed.

House Bill No. 425, An Act to amend the charter of the city of Portsmouth.

Killed.

House Bill No. 426, An Act to increase fee for teachers registration with state board of education.

Engrossed.

House Bill No. 427, An Act relating to motor carriers of property.

Engrossed.

House Bill No. 428, An Act increasing the general penalty for motor vehicle violations.

Engrossed.

House Bill No. 429, An Act relative to property holding by the First Congregational Society in Ossipee.

Engrossed.

House Bill No. 430, An Act legalizing school district meeting held in Tamworth on April 4, 1959.

Engrossed.

House Bill No. 431, An Act relative to investments of common trust funds.

Engrossed.

House Bill No. 432, An Act relative to duties of deputy labor commissioner.

Engrossed.

House Bill No. 433, An Act relative to taxation of banks.
Referred to Bank Study Committee.

House Bill No. 434, An Act relative to public water supplies.

Engrossed.

House Bill No. 435, An Act imposing service fee on common carriers by air.

Killed.

House Bill No. 436, An Act relative to certain islands in great ponds.

Engrossed.

House Bill No. 437, An Act providing funds for administrative committee of probate courts.

Engrossed.

House Bill No. 438, An Act providing for acquisition of certain dams and water rights by the Water Resources Board.

Killed.

House Bill No. 439, An Act legalizing action taken at the Warner school district meeting.

Engrossed.

House Bill No. 440, An Act relative to longevity compensation for legislative service assistants.

Killed.

House Bill No. 441, An Act to enlarge the advisory committee on shore fisheries.

Engrossed.

House Bill No. 442, An Act providing for election of certain city and ward offices in the city of Manchester on a political party basis.

Engrossed.

House Bill No. 443, An Act relative to motor vehicle warranty contracts.

Engrossed.

House Bill No. 444, An Act creating a division of boards and commissions under department of Administration and Control.

Killed.

House Bill No. 445, An Act to provide safety to the patients and occupants of nursing, convalescent and nursing homes.

Killed.

House Bill No. 446, An Act to provide for a budget committee for cooperative school districts.

Killed.

House Bill No. 447, An Act imposing a service fee on common carriers of passengers by air.

Engrossed.

House Bill No. 448, An Act legalizing town meeting of Croydon held March 10, 1959.

Engrossed.

House Bill No. 449, An Act relative to allowances for mileage of members of the General Court from Concord.

Engrossed.

House Bill No. 450, An Act relative to red lights on motor vehicle service trucks.

Killed.

House Bill No. 451, An Act relative to establishing an additional polling place for election of town officers in the town of Goffstown.

Engrossed.

House Bill No. 452, An Act providing for salaries of classified state employees and salaries of unclassified state employees.

Referred to the Next Session of the Legislature.

House Bill No. 453, An Act relative to limitations on investments of savings banks.

Engrossed.

House Bill No. 454, An Act amending benefits payable on retirement.

Referred to the Legislative Council.

House Bill No. 455, An Act establishing the Lebanon Regional Airport Authority.

Engrossed.

House Bill No. 456, An Act relative to approval of supervisory union budgets by the school district.

Killed.

House Bill No. 457, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1960.

Engrossed.

House Bill No. 458, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1961.

Engrossed.

House Bill No. 459, An Act legalizing annual town meeting held in the town of Dalton March 10, 1959.

Engrossed.

House Bill No. 460, An Act to legalize proceedings of annual town meeting of Newbury and to permit said town to borrow a certain amount of money outside its debt limit and provide for a guarantee of said debt.

Engrossed.

House Bill No. 461, An Act providing funds for accelerated highway construction and improvement program for the state.

Engrossed.

House Bill No. 462, An Act to sever a certain tract of land from the town of Mason and annex the same to the town of Greenville.

Killed.

House Bill No. 463, An Act to authorize institution of an individual insurance payroll deduction plan for the benefit of employees of the state government.

Killed.

House Bill No. 464, An Act relative to licenses for hawkers and peddlers.

Killed.

House Bill No. 465, An Act relative to the federal aid highway act of 1956.

Killed.

House Bill No. 466, An Act providing for transportation aid to school districts.

Killed.

House Bill No. 467, An Act providing that temporary loans may be made by the towns in anticipation of bonds or notes.

Engrossed.

House Bill No. 468, An Act authorizing selectmen to lay out a limited access highway at Hampton Beach.

Engrossed.

House Bill No. 469, An Act relative to salaries for certain town clerks.

Killed.

House Bill No. 470, An Act relative to license fees for recreational camps.

Engrossed.

House Bill No. 471, An Act changing effective date of provisions of boys and girls benefit fund.

Engrossed.

House Bill No. 472, An Act increasing the age limit for issuance of motor vehicle licenses.

Engrossed.

House Bill No. 473, An Act relative to group life insurance.

Engrossed.

House Bill No. 474, An Act relative to free parking privileges for members of the General Court.

Killed.

House Bill No. 475, An Act changing a part of the boundary line between the towns of Stratham and Exeter.

Engrossed.

House Bill No. 476, An Act relative to the issuance of licenses for the operation of motor scooters.

Killed.

House Bill No. 477, An Act to authorize towns to adopt building codes by reference.

Engrossed.

House Bill No. 478, An Act authorizing the town of Hampton to acquire a water works system.

Killed.

House Bill No. 479, An Act to repeal charters of certain corporations.

Engrossed.

House Bill No. 480, An Act relative to fees for inspection of weights and measures.

Killed.

House Bill No. 481, An Act providing a retirement system for employees of the city of Berlin.

Killed.

House Bill No. 482, An Act relative to timber tax law.

Killed.

House Bill No. 483, An Act providing for an additional appropriation for expenses of the legislature.

Engrossed.

House Bill No. 484, An Act relative to publication of bids for certain state purchases.

Killed.

House Bill No. 485, An Act relating to suspension of motor vehicle licenses after hearing.

Killed.

House Bill No. 486, An Act providing that licenses to fish and hunt may be issued to residents over seventy years of age without payment of fee.

Engrossed.

House Bill No. 487, An Act relative to forms and rules of the Probate Courts.

Engrossed.

House Bill No. 488, An Act to reimburse innocent depositors of Valley Trust Company for losses suffered.

Killed.

House Bill No. 489, An Act authorizing the establishment of a branch bank in Penacook.

Killed.

House Bill No. 490, An Act relative to extension of appropriations for state aid for nursing education, and administration expenses.

Engrossed.

House Bill No. 491, An Act relative to the Sandwich Notch and Dale road in the towns of Sandwich and Thornton.

Engrossed.

House Bill No. 492, An Act increasing the salary of the justice of the Keene municipal court.

Engrossed.

House Bill No. 493, An Act relative to public swimming pools.

Engrossed.

House Bill No. 494, An Act making temporary appropriations for the expenses of the state of New Hampshire.

Engrossed.

House Bill No. 495, An Act relative to funds for payment of workmen's compensation to state employees.

Engrossed.

House Bill No. 496, An Act establishing the First Light Battery, New Hampshire Volunteers.

Engrossed.

House Bill No. 497, An Act relative to Sunday sales.

Killed.

House Bill No. 498, An Act relative to reimbursement for damages to private water supplies caused by state highway operations.

Engrossed.

House Bill No. 499, An Act providing for a temporary appropriation of the legislature.

Engrossed.

House Bill No. 500, An Act relative to an interstate school district between Hanover, New Hampshire and Norwich, Vermont.

Engrossed.

House Bill No. 501, An Act disannexing a certain homestead in the town of Hooksett from the city of Manchester for school purposes.

Engrossed.

House Bill No. 502, An Act relative to the charter of the city of Keene as to filing vacancies.

Engrossed.

House Bill No. 503, An Act relative to the New Hampshire State Port Authority.

Engrossed.

House Bill No. 504, An Act making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Engrossed.

House Bill No. 505, An Act providing for improvement of Newport-Croydon road.

Killed.

House Bill No. 506, An Act relative to the taxation of railroads.

Killed.

House Bill No. 507, An Act adopting uniform reciprocal enforcement act.

Engrossed.

House Bill No. 508, An Act making temporary appropriations and encumbrances for the state of New Hampshire.

Engrossed.

House Bill No. 509, An Act relative to the powers of the commissioners of Coos County.

Killed.

House Bill No. 510, An Act legalizing the annual town meeting held March 10, 1959 in the town of Enfield.

Engrossed.

House Bill No. 511, An Act legalizing certain proceedings at the Hanover town meeting.

Engrossed.

House Bill No. 512, An Act relative to a bridge in Woodstock.

Killed.

House Bill No. 513, An Act making temporary appropriations for the expenses and encumbrances of the state of N. H.

Engrossed.

Killed.

House Bill No. 514, An Act relating to motor vehicle road toll.

Engrossed.

House Bill No. 515, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

Engrossed.

House Bill No. 516, An Act relative to authority of Commissioner of Public Works and Highways.

Engrossed.

House Bill No. 517, An Act legalizing the meetings of the Madbury Water District.

House Bill No. 518, An Act relative to authority for expenditures of special federal funds received by the public works and highways department.

Engrossed.

House Bill No. 519, An Act ratifying certain action taken by the Carroll County convention.

Engrossed.

House Bill No. 520, An Act providing for a deficiency appropriation for the recreation division.

Engrossed.

House Bill No. 521, An Act relative to the library building at the University of New Hampshire.

Engrossed.

HOUSE JOINT RESOLUTIONS

House Joint Resolution No. 1, Joint Resolution to authorize the purchase of seats for the House of Representatives.

Engrossed.

House Joint Resolution No. 2, Joint Resolution in favor of Ernest Berube.

Engrossed.

House Joint Resolution No. 3, Joint Resolution providing for additional expenditures for the board of professional engineers.

Engrossed.

House Joint Resolution No. 4, Joint Resolution relative to legislative committee hearings.

Killed.

House Joint Resolution No. 5, Joint Resolution providing for the repair and reconditioning of the Meshech Weare monument at Hampton Falls.

Engrossed.

House Joint Resolution No. 6, Joint Resolution providing for the acquisition of aircraft.

Killed.

House Joint Resolution No. 7, Joint Resolution in favor of Ralph Chapman.

Killed.

House Joint Resolution No. 8, Joint Resolution relative to civil defense emergency procedures.

Killed.

House Joint Resolution No. 9, Joint Resolution relative to a joint legislative committee to investigate the methods and practices of the management of the Boston & Maine Railroad.

Killed.

House Joint Resolution No. 10, Joint Resolution in favor of the city of Concord.

Engrossed.

House Joint Resolution No. 11, Joint Resolution in favor of Leonard Hadley.

Killed.

House Joint Resolution No. 12, Joint Resolution in favor of Arthur E. Starkweather.

Engrossed.

House Joint Resolution No. 13, Joint Resolution in favor of the New Hampshire Veterans' Association.

Engrossed.

House Joint Resolution No. 14, Joint Resolution in favor of Harry L. Hurlbert.

Engrossed.

House Joint Resolution No. 15, Joint Resolution in favor of Eugene E. DePontbriand.

Engrossed.

House Joint Resolution No. 16, Joint Resolution in favor of Charles F. Macey.

Engrossed.

House Joint Resolution No. 17, Joint Resolution relative to the control of the dutch elm disease.

Referred 1961 Legislature.

House Joint Resolution No. 18, Joint Resolution to provide increased funds for geological mappings.

Referred 1961 Legislature.

House Joint Resolution No. 19, Joint Resolution in favor of Catherine J. Silva.

Killed.

House Joint Resolution No. 20, Joint Resolution relative to special appropriation for education of deaf children in schools for the deaf.

Killed.

House Joint Resolution No. 21, Joint Resolution relative to continuation of aerial geophysical survey of portions of the state.

Referred 1961 Legislature.

House Joint Resolution No. 22, Joint Resolution in favor of Mildred Marier.

Engrossed.

House Joint Resolution No. 23, Joint Resolution to provide for protection for Boars Head at Hampton.

Killed.

House Joint Resolution No. 24, Joint Resolution relative to camping facilities at state parks.

Killed.

House Joint Resolution No. 25, Joint Resolution relative to care and treatment of chronic metabolic diseases of childhood.

Referred 1961 Legislature.

House Joint Resolution No. 26, Joint Resolution providing an appropriation toward reconstruction of Fort at No. Four.

Killed.

House Joint Resolution No. 27, Joint Resolution providing for a zoo at Mount Sunapee state park.

Killed.

House Joint Resolution No. 28, Joint Resolution providing for a study of pollution in waters of the Great Bay area and the Piscataqua river.

Engrossed.

House Joint Resolution No. 29, Joint Resolution relative to operating expenses of educational television station WENH.

Killed.

House Joint Resolution No. 30, Joint Resolution providing for a study of the banking laws of the state.

Engrossed.

House Joint Resolution No. 31, Joint Resolution relative to transfer of funds by the state treasurer.

Engrossed.

House Joint Resolution No. 32, Joint Resolution in favor of Lew A. Wallace.

Killed.

House Joint Resolution No. 33, Joint Resolution in favor of John and Rose Marie Cote.

Engrossed.

House Joint Resolution No. 34, Joint Resolution for a study of debris and aquatic plants in Chandler's Cove.

Engrossed.

House Joint Resolution No. 35, Joint Resolution for additional electric service for camps in Bear Brook State Park.

Killed.

House Joint Resolution No. 36, Joint Resolution relative to special appropriation for cancer commission.

Engrossed.

House Joint Resolution No. 37, Joint Resolution providing for an audit of Department of Public Works and Highways.

Engrossed.

House Joint Resolution No. 38, Joint Resolution relating to opening date of schools.

Killed.

House Joint Resolution No. 39, Joint Resolution in favor of Peter C. Cummings.

Engrossed.

House Joint Resolution No. 40, Joint Resolution relative to apportionment of representatives in the House of Representatives.

Engrossed.

House Joint Resolution No. 41, Joint Resolution in favor of Walter R. MacCormack.

Engrossed.

House Joint Resolution No. 42, Joint Resolution in favor of Annie Hallinan.

Killed.

House Joint Resolution No. 43, Joint Resolution in favor of the estate of Lewis A. Nelson.

Engrossed.

House Joint Resolution No. 44, Joint Resolution establishing a committee to investigate certain union activities.

Killed.

House Joint Resolution No. 45, Joint Resolution in favor of S. W. Winslow, Jr., and C. George McClure, Jr.

Engrossed.

House Joint Resolution No. 46, Joint Resolution relative to statewide referendum on question of types of taxation.

Killed.

House Joint Resolution No. 47, Joint Resolution providing for copies of the law enforcement manual for members of the General Court and for other distribution of said manual.

Engrossed.

House Joint Resolution No. 48, Joint Resolution for appropriations for carrying provisions relative to regional agreements for educational facilities for New Hampshire residents.

Killed.

House Joint Resolution No. 49, Joint Resolution providing supplemental appropriations for normal contributions to the Teacher's Retirement System and for old-age and survivors insurance, contributions on behalf of the state employees and teachers.

Engrossed.

House Joint Resolution No. 50, Joint Resolution in favor of Rita Collyer.

Engrossed.

House Joint Resolution No. 51, Joint Resolution to provide for an investigation and study of the laws relating to the taxation of personal property.

Referred to Legislative Council.

House Joint Resolution No. 52, Joint Resolution providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention.

Killed.

House Joint Resolution No. 53, Joint Resolution in favor of Catherine M. Zoughi.

Killed.

House Joint Resolution No. 54, Joint Resolution in favor of the estate of Henry I. Burbank.

Engrossed.

House Joint Resolution No. 55, Joint Resolution in favor of the estate of Harold L. Jones.

Engrossed.

House Joint Resolution No. 56, Joint Resolution in favor of Charles F. Adams.

Engrossed.

House Joint Resolution No. 57, Joint Resolution in favor of Alfred Dittrich.

Engrossed.

House Joint Resolution No. 58, Joint Resolution relative to dedication ceremonies for the Hopkinton-Everett Flood control project.

Killed.

House Joint Resolution No. 59, Joint Resolution relative to a study as to protection of state employees when sued for actions while on duty for the state.

Killed.

House Joint Resolution No. 60, Joint Resolution providing additional funds for state advertising and promotion.

Engrossed.

House Joint Resolution No. 61, Joint Resolution in favor of Robert Dearborn.

Engrossed.

House Joint Resolution No. 62, Joint Resolution relative to special study by judicial council as to injuries to state employees.

Killed.

House Joint Resolution No. 63, Joint Resolution relative to Appropriation committee room and contents and authorizing certain expenditures relating to the legislature and others.

Engrossed.

SENATE BILLS

Senate Bill No. 3, An Act prohibiting minors from having possession of liquor or alcoholic beverages.

Engrossed.

Senate Bill No. 4, An Act providing for competitive bidding on county sales of personal property.

Engrossed.

Senate Bill No. 5, An Act to clarify status of trees and other roadside growth within the boundaries of highways, roads and streets.

Engrossed.

Senate Bill No. 6, An Act relative to information required on local tax bills.

Engrossed.

Senate Bill No. 7, An Act relative to use of fees and fines by state dental board.

Engrossed.

Senate Bill No. 8, An Act relative to public meetings and records.

Killed.

Senate Bill No. 9, An Act relating to jurisdiction of motor vehicle offenses.

Engrossed.

Senate Bill No. 10, An Act relating to operation of motor vehicles for emergency purposes.

Engrossed.

Senate Bill No. 13, An Act to increase amount of wages exempt from trustee process.

Killed.

Senate Bill No. 14, An Act relative to abatement of taxes assessed against the Valley Trust Company.

Engrossed.

Senate Bill No. 15, An Act amending the charter of the New Hampshire Centennial Home for the Aged.

Engrossed.

Senate Bill No. 19, An Act providing for notice to towns or cities relative to certain bills pending before the General Court.

Engrossed.

Senate Bill No. 20, An Act providing for the classification of certain surface waters of the Pemigewasset River watershed.

Engrossed.

Senate Bill No. 21, An Act repealing the powers of justices of the peace as they relate to the removal of encumbrances on highways.

Killed.

Senate Bill No. 24, An Act relative to destruction of records of teachers' retirement system.

Engrossed.

Senate Bill No. 25, An Act to make unlawful certain political activities in the vicinity of polling places.

Killed.

Senate Bill No. 26, An Act to apply the principles of home rule to the establishing of salaries of city officials and employees.

Killed.

Senate Bill No. 27, An Act to broaden curriculum at teachers' colleges.

Killed.

Senate Bill No. 28, An Act providing for lien for labor and repairs on radio and television machines.

Engrossed.

Senate Bill No. 30, An Act relating to deposits of public funds.

Engrossed.

Senate Bill No. 31, An Act relative to penalty for hunting from motor vehicles, boats or aircraft.

Engrossed.

Senate Bill No. 32, An Act relative to appeals from conviction for violation of fish and game laws.

Engrossed.

Senate Bill No. 34, An Act providing for election of county commissioners for the county districts of Coos county.

Killed.

Senate Bill No. 35, An Act authorizing municipalities to require the repair, closing or demolition of dwellings unfit for human habitation and to establish and enforce minimum standards for use and occupancy of dwellings.

Engrossed.

Senate Bill No. 37, An Act relative to executors of estates.

Engrossed.

Senate Bill No. 39, An Act relating to the banking department.

Engrossed.

Senate Bill No. 40, An Act relating to instruments of savings banks.

Engrossed.

Senate Bill No. 41, An Act relative to commission to towns to appropriate money for payment of association dues.

Veto.

Senate Bill No. 42, An Act relating to utility poles.

Engrossed.

Senate Bill No. 44, An Act relative to the probate of wills.

Engrossed.

Senate Bill No. 45, An Act relative to wills.

Killed.

Senate Bill No. 47, An Act relative to annual payments to retirement boards by call, volunteers or substitute firemen.

Engrossed.

Senate Bill No. 48, An Act relative to question as to interest and dividend income on annual inventory blanks.

Engrossed.

Senate Bill No. 49, An Act providing for additional facilities at Moose Brook State Park.

Engrossed.

Senate Bill No. 50, An Act relative to license fees for persons engaged in the business of making small loans.

Killed.

Senate Bill No. 51, An Act changing the title of commissioner of charities of the city of Manchester.

Engrossed.

Senate Bill No. 52, An Act to authorize participating loans by banking and loan associations and cooperative banks.

Engrossed.

Senate Bill No. 53, An Act relative to North Conway Loan and Banking Company.

Engrossed.

Senate Bill No. 54, An Act authorizing rehabilitation work in redevelopment projects.

Engrossed.

Senate Bill No. 55, An Act relative to redevelopment of so-called disaster areas, and for general planning activities.

Engrossed.

Senate Bill No. 56, An Act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with respect thereto.

Killed.

Senate Bill No. 58, An Act exempting hospitals, nursing homes or orphanages and homes for the aged from certain requirements relating to Sunday work.

Engrossed.

Senate Bill No. 59, An Act relating to the acquisition of property rights of a public utility in connection with the layout, construction or alteration of highways.

Engrossed.

Senate Bill No. 62, An Act providing for notification from the commission of labor of the right to appeal from wage rate determinations.

Engrossed.

Senate Bill No. 63, An Act providing for integration of present non-contributory pension system of Nashua with old age and survivors insurance.

Engrossed.

Senate Bill No. 64, An Act relative to elected special police officers.

Engrossed.

Senate Bill No. 65, An Act relating to advertising by motels, cabins and motor courts.

Engrossed.

Senate Bill No. 66, An Act relative to fees for pharmacists.

House Refused To Accept.

Senate Bill No. 67, An Act to authorize the school district of Farmington to exceed its bonded indebtedness.

Engrossed.

Senate Bill No. 68, An Act relative to the powers of the city of Dover.

Engrossed.

Senate Bill No. 69, An Act relative to user bond under motor vehicle road toll law.

Engrossed.

Senate Bill No. 70, An Act relative to obstruction of view in the operation of motor vehicles.

Engrossed.

Senate Bill No. 71, An Act relative to verification of individual savings deposit books.

Killed.

Senate Bill No. 72, An Act relative to reduction of legislative mileage after June 1 and relative to a five day working week.

Killed.

Senate Bill No. 73, An Act relating to compensation for wrongful imprisonment.

Engrossed.

Senate Bill No. 74, An Act relating to administration of estates.

Engrossed.

Senate Bill No. 75, An Act relative to political expenditures.

Engrossed.

Senate Bill No. 76, An Act relative to assistance to the cancer commission.

Engrossed.

Senate Bill No. 77, An Act to establish a new apportionment for assessment of public taxes.

Engrossed.

Senate Bill No. 78, An Act relative to certain refunds from state treasury.

Engrossed.

Senate Bill No. 79, An Act authorizing purchase of health and accident insurance by towns from town employees.

Killed.

Senate Bill No. 80, An Act relative to assessment of expenses of public utilities commission against certain public utilities.

Engrossed.

Senate Bill No. 81, An Act providing for the classification of the waters of Squam Lake.

Engrossed.

Senate Bill No. 82, An Act to provide emergency relief for certain school districts with funds on deposit in Valley Trust Company of Penacook.

Engrossed.

Senate Bill No. 83, An Act relating to the improvement of Rye Harbor.

Engrossed.

Senate Bill No. 84, An Act relative to insurance on property of Industrial Park Authority.

Engrossed.

Senate Bill No. 86, An Act relative to Stratford School District.

Engrossed.

Senate Bill No. 87, An Act providing that Senators be members of county delegations.

Killed.

Senate Bill No. 88, An Act relating to motor vehicles fees and municipal permits.

Engrossed.

Senate Bill No. 90, An Act repealing certain provisions relative to a highway in the town of Stratford.

Engrossed.

Senate Bill No. 91, An Act relative to powers of school districts.

Engrossed.

Senate Bill No. 92, An Act relative to membership on the council on resources and development.

Engrossed.

Senate Bill No. 93, An Act relative to trespassing on another and at race tracks and defining cultivated land.

Engrossed.

Senate Bill No. 94, An Act relative to the fire insurance contract and suits thereon.

Engrossed.

Senate Bill No. 96, An Act increasing the membership of the military staff of the Governor.

Killed.

Senate Bill No. 97, An Act relative to compensation of supervisors of the checklist for the city of Somersworth.

Engrossed.

Senate Bill No. 98, An Act to amend the charter of the Colebrook guaranty savings bank relative to guaranty funds and property holdings.

Engrossed.

Senate Bill No. 99, An Act relative to recount of ballots after an election.

Engrossed.

Senate Bill No. 102, An Act relative to referendum concerning a salary schedule for personnel employed in the Manchester Fire Department.

Killed.

Senate Bill No. 103, An Act relative to institutional guardians.

Engrossed.

Senate Bill No. 106, An Act changing the fiscal year of school districts.

Killed.

Senate Bill No. 108, An Act to restrict power boating on Otter Lake and Sunset Lake in Greenfield.

Engrossed.

Senate Bill No. 109, An Act authorizing issuance of short term loans for highway purposes.

Engrossed.

Senate Bill No. 112, An Act changing the names of the Granite State Fire Insurance Company and the New Hampshire Fire Insurance Company.

Engrossed.

Senate Bill No. 113, An Act providing for deputy city treasurer and tax collector for Nashua.

Engrossed.

Senate Bill No. 114, An Act relative to assistant treasurer of railroad corporations.

Engrossed.

Senate Bill No. 116, An Act relative to construction of state armories.

Engrossed.

Senate Bill No. 117, An Act relative to suits against residents of state for payment of income tax to another state.

Killed.

Senate Bill No. 118, An Act relative to fishing on Great Bay and other waters, operation of motor vehicles on ice at Great Bay and penalty for depositing refuse on public waters.

Engrossed.

Senate Bill No. 119, An Act to increase and stabilize the highway maintenance allotment by the state.

Engrossed.

Senate Bill No. 120, An Act relative to contracts for operation of schools in the state.

Engrossed.

Senate Bill No. 122, An Act relative to acceptance of contracts for highway improvement and construction.

Engrossed.

Senate Bill No. 124, An Act relative to advertising of alcoholic liquor or beverages.

Engrossed.

Senate Bill No. 125, An Act relating to care of the blind.

Engrossed.

Senate Bill No. 126, An Act authorizing harbormasters to make arrests for violation of law.

Engrossed.

Senate Bill No. 127, An Act relating to educational expenses of minors.

Engrossed.

Senate Bill No. 129, An Act changing the name of the Rochester Trust Company.

Engrossed.

Senate Bill No. 131, An Act relative to the time for taking trout.

Engrossed.

Senate Bill No. 132, An Act naming interstate highway.

Engrossed.

Senate Bill No. 133, An Act relative to liquor licenses for certain corporations operating golf clubs.

Engrossed.

Senate Bill No. 134, An Act relative to Stratford School District.

Engrossed.

Senate Bill No. 135, An Act relative to borrowing by municipalities.

Engrossed.

Senate Bill No. 137, An Act relative to debt limitation of industrial development authority.

Engrossed.

Senate Bill No. 138, An Act relative to a building and loan association or co-operative bank changing its name.

Engrossed.

Senate Bill No. 139, An Act legalizing the 1959 meeting of the Hudson school district.

Engrossed.

Senate Bill No. 140, An Act relating to witnesses in criminal cases.

Engrossed.

Senate Bill No. 141, An Act changing the name of Red Head Island located in Lake Winnepesaukee.

Engrossed.

Senate Bill No. 142, An Act authorizing the Commissioner of Public Works and Highways to enter into an agreement with the federal government relative to a highway in Madbury.

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Senate Bill No. 143, An Act legalizing the school district meeting held in Lyndeborough on March 12, 1959.

Engrossed.

Senate Bill No. 144, An Act relative to forms of motor vehicle permits.

Killed.

Senate Bill No. 145, An Act relative to issuance of capital debentures by certain state banking institutions.

Engrossed.

Senate Bill No. 149, An Act relative to the election of directors of fire mutual aid associations..

Engrossed.

Senate Bill No. 150, An Act providing a referendum for dissolving the Meredith Village Fire District and transferring its functions to the town of Meredith.

Engrossed.

Senate Bill No. 152, An Act relative to posting load and speed limits on town bridges.

Engrossed.

Senate Bill No. 153, An Act relative to deputy health officers for several towns.

Engrossed.

Senate Bill No. 155, An Act relative to life insurance policies.

Engrossed.

Senate Bill No. 157, An Act relative to the Civil War Centennial Commission.

Engrossed.

Senate Bill No. 158, An Act relating to the installation of gas appliances.

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Senate Bill No. 160, An Act relative to reclassification of a road in Rindge.

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Senate Bill No. 161, An Act relative to the Manchester Savings Bank.

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Senate Bill No. 164, An Act legalizing action taken at the town meeting held in the town of Salem, New Hampshire, March 1959.

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Senate Bill No. 165, An Act relative to vacancies in state classified service.

Killed.

Senate Bill No. 166, An Act relative to the charter of the city of Portsmouth.

Killed.

Senate Bill No. 167, An Act legalizing an annual school district meeting of the Strafford school district.

Engrossed.

Senate Bill No. 169, An Act providing for the acquisition of Fort Dearborn in Rye.

Engrossed.

Senate Bill No. 170, An Act making temporary appropriations for the New Hampshire Port Authority.

Killed.

Senate Bill No. 171, An Act relative to a bridge in Westmoreland.

Killed.

Senate Bill No. 172, An Act relative to taking bass at Lake Spofford.

Killed.

Senate Bill No. 174, An Act to investigate expenses incurred due to failure of Valley Trust Company of Penacook with a view to ascertaining possible future benefits for innocent depositors of said institution.

Killed.

Senate Bill No. 177, An Act providing a bounty for killing rattlesnakes.

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Senate Bill No. 178, An Act providing funds for study of records, storage and archives and authorizing certain expenditures relative to the legislature and others.

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Senate Joint Resolution No. 1, Joint Resolution relative to the Old Man of the Mountain.

Engrossed.

Senate Joint Resolution No. 3, Joint Resolution in favor of Robert A. Vanasse.

Engrossed.

Senate Joint Resolution No. 5, Joint Resolution authorizing a study to determine a feasible location of multiple-use state parks on Ossipee Lake and Willand Pond.

Engrossed.

Senate Joint Resolution No. 7, Joint Resolution to extend the appropriation for the committee on investigation of gasoline and fuel oil prices.

Engrossed.

Senate Joint Resolution No. 8, Joint Resolution relative to the purchase of typewriters for the Superior Court.

Engrossed.

Senate Joint Resolution No. 9, Joint Resolution in favor of Annie Ross.

Engrossed.

Senate Joint Resolution No. 10, Joint Resolution relative to an interim study committee to study the fiscal practices and needs of the Fish and Game Department.

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	977, 982, 1162
Wrongful imprisonment, compensation for	355, 1026, 1040, 1075

X

None

Y

Young, Irving, illness of	323
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Z

Zonghi, Catherine M., in favor of	792, 1016
Zoning authority, Contoocook Fire Precinct and Hopkinton Village	
Precinct, granted to	171, 258, 260, 305, 322
Zoo at Mt. Sunapee State Park, providing for ...	227, 471, 1291, 1305





JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
SPECIAL SESSION OF 1958

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

SPECIAL SESSION OF 1958

TUESDAY, FEBRUARY 11, 1958

Proclamation

STATE OF NEW HAMPSHIRE
SECRETARY OF STATE
CONCORD, N. H.

I, Lane Dwinell, Governor, with the advice and consent of the Council, hereby summon the General Court to assemble at the State House, Tuesday, the eleventh day of February, 1958 at 11:00 o'clock in the forenoon.

LANE DWINELL,
Governor.

HARRY E. JACKSON,
Secretary of State.

In pursuance of the foregoing proclamation, the House of Representatives, having assembled in the capitol in the city of Concord, in said state, on Tuesday, February 11, 1958, being the day designated in the foregoing proclamation by His Excellency the Governor, they were called to order by the Speaker at 11:00 o'clock A. M.

Prayer was offered by the Chaplain.

O Lord our God, we come to Thee today as this body begins a new session, to pray Thy blessing upon these men and women chosen by the people of our state. Wilt Thou grant to them clean hands, pure hearts and unfailing devotion to do the right as Thou dost give them to see the right. We pray that Thou wilt give our leaders the highest motives and the courage to propose that which will be worthy of Thy blessing. Help them and all of us who seek Thy guidance, that when a thing is right, we shall all know it. And may our whole trust be in Thee, the Lord and Father of us all. Amen.

Salute to the Flag

Mr. McMeekin of Haverhill led the House in the salute to the flag.

The Clerk proceeded to call the roll and 339 members answering to their names, a quorum was declared present.

Roll Call

ROCKINGHAM COUNTY: White of Atkinson, Prescott, Tenney, Batchelder, Bisbee, Clark of Derry, Stancik, Nickerson of East Kingston, Blair, Eastman of Exeter, Eldredge, Rathbone, Spollett, Hunter, Lougee, Sanborn of Hampton Falls, Eastman of Kensington, Battles, Mott, Labranche, Sewall, Cheney of Newton, Carter, Perkins, Palmer, Barrett, Dondero, Payette, Sadler, Wood, Foote, Murch, Dame, Joyce, Wardwell, Blaisdell, Russell of Portsmouth, Landrigan, Philbrick, Peever, Felch, Thorndike.

STRAFFORD COUNTY: Berry, Blanchette, Leighton, DesJardins, LaBonte, Dunnington, Webb, Connell Murphy, Brown of Durham, Littlehale, Gilman, Drew, Francoeur, Dawson, Moulton, Rolfe, Maxfield, Nelson of Rochester, Carignan, Lacasse of Rochester, St. Pierre, Currier, Clement, Varney, Valiere, Maloomian, Cormier, Brown of Strafford.

BELKNAP COUNTY: McAllister, Haggett, Matheson, Lord, Robertson, McCarthy, Morin, Simoneau, Karagianis, Lucier, Burbank, Varrell, Miner, Smith of Meredith, Atwood.

CARROLL COUNTY: Morrill, Chandler, Sawyer of Brookfield, Davis of Conway, Hill, Roberts, Lamprey, Willmott, Nickerson of Tamworth, Claflin.

MERRIMACK COUNTY: Baron, Phelps, Kenevel, Vaughn of Bow, Moore, Turner, Bates, Allen, Davis of Concord, Henry, Cheney of Concord, Gibson, White of Concord, Lessels, Tiffany, O'Neil, Cilley, Maxham, Mahoney, Comi, Rufo, Sargent, Bunten, Nutter, Broadhurst, Burke of Franklin, Kenney, Ayotte, Leonard, Carpenter, Mason, DuDevoir, Mulaire, Nelson of Hopkinton, Jenkins, Wilman, Thibeault of Pembroke, Woodbury, Ayer, Young, Chadwick, Bigelow.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Hambleton, Jennings, Nickerson of Goffstown, Poore, Adams of Greenfield, Fortin, Pickering, Crosby, Williams of

Hollis, Abbott, Gallagher, Paul, Warren, Ainley, Green, Pettigrew, Soucy of Manchester, ward 1, Danforth, Geisel, Pillsbury, Robb, Dwyer, Martel of Manchester, ward 3, Nerbonne, Sullivan, Kelley of Manchester, Nolan, Winston, Healy of Manchester, ward 5, Smith of Manchester, Walsh, Callahan, Casey, Clancy, Ecker, Healy of Manchester, ward 6, O'Connor, LeClerc of Manchester, ward 7, Paradis, Tessier, Craig, Delisle, Hebert, ward 8, Morris, Bergeron, Gilmartin, Kearns, King, Hurley, Lafond, Philibert, Martel of Manchester, ward 12, Soucy of Manchester, ward 12, Dion of Manchester, Gauthier, Gelinas, Lesmerises, Christy, LeClerc of Manchester, ward 14, Eaton of Mason, Peaslee of Merrimack, Deans, Falconer, Cooper, Cummings, Ramsdell, Saunders, Record, Thibault of Nashua, Belcourt, Trombly, Ayers, Brosnahan, Maynard, Dionne of Nashua, Marcoux, Chartrain, Ryan, Sweeney, Bouley, Dugas, Jean, Latour, Sabluski, Bouthillier, Dumais, Locke, Thompson of New Ipswich, Mailloux, Dutton, Rice, Street, Eastman of Weare, Bardol.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Clark of Harrisville, Smith of Hinsdale, Gordon, Spofford, Haley, Terrill, Winch, McCullough, Wheeler, Bennett, Coddling, Farr, Pickett, Oliver, Tolman, Yardley, Eaton of Stoddard, Swett of Sullivan, Bouvier, Kershaw, Congdon, Ballam, Gallo-way, Terry, Ingham, Thompson of Winchester.

SULLIVAN COUNTY: Frizzell, Bloomfield, Bradbury, Russell of Claremont, Angus, Monblo, Nahil, D'Amante, Desnoyer, Simms, Davis of Cornish, Riley, Brown of Newport, Rowell, Vaughan of Newport, Merrifield, Crane.

GRAFTON COUNTY: Bucklin, Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Peabody, Williams of Grafton, Nettleton, Bradley, Duke, Hayward, Monahan, Larty, McMeekin, Morse, Chamberlain, Adams of Lebanon, Cole, Jones, Porter, Townsend, Whipple, McGee, Collyer, Armstrong, Kelley of Littleton, Martin, Haskins, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

COOS COUNTY: Fortier, Roy, Russell of Berlin, Sheridan, Brungot, Christiansen, Fontaine, Gagnon, Lacasse of Berlin, Heath, Alls, Rix, Graham of Gorham, Keough, Swett of Lancaster, Potter, Bushey, Hersom, Richardson, Kidder, Placy, Stinson, Gould, Taylor.

Leaves of Absence

Messrs. Willis of Salem, Walker of Concord, Sheehy of Newfields, Dana of Laconia, Corbett of Concord, Crowley of Manchester, Gay of Derry, Ostlund of Richmond, Mrs. Hayes of Portsmouth and Mrs. Hutchinson of Milford were granted indefinite leaves of absence on account of illness.

Mr. Wiggin of Dover and Miss Faulkner of Keene were granted indefinite leaves of absence on account of important business.

Messrs. Saltmarsh of Concord and Beamis of Somersworth were granted leaves of absence for the day on account of illness.

Mr. Tilton of Laconia was granted leave of absence for the week on account of illness in the family.

Mr. Brown of Keene was granted leave of absence for the week on account of illness.

Mr. Rollins of Alton was granted leave of absence for the day on account of important business.

Resolution

Mr. McMeekin of Haverhill offered the following resolution:

Resolved, That the rules of the House of Representatives of the 1957 Session be the rules of the House for the present Session unless otherwise ordered by the House, except that no bill, joint resolution, claim outstanding on the first day of the Session, or petition relating to new business shall be received in the House unless reported by the Committee on Rules: provided, however, that this rule may be suspended whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise.

The question being on the resolution.

Mr. McMeekin of Haverhill explained the resolution in response to questions by Mr. Pillsbury of Manchester.

On a *viva voce* vote the resolution was adopted.

Concurrent Resolutions

Mr. McMeekin of Haverhill offered the following concurrent resolution:

Resolved, by the House of Representatives, the Honorable Senate concurring, That the Joint Rules of the 1957 Session be the Joint Rules of this Special Session of the Legislature; provided that Joint Rule No. 13 adopted by the 1957 Session, effective December 27, 1958, shall not be in effect during this Special Session.

The question being on the concurrent resolution.

Mr. Pillsbury of Manchester requested a reading of Joint Rule No. 13 adopted by the 1957 session.

The Speaker explained Joint Rule No. 13.

Mr. Pillsbury of Manchester withdrew his request that the rule be read.

On a *viva voce* vote the Concurrent Resolution was adopted and sent to the Honorable Senate for concurrence.

Mr. McMeekin of Haverhill offered the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring, That no bill, resolution, claim outstanding on the first day of the session, or petition relating to new business, shall be received in either branch of the Legislature unless reported by the Committee on Rules of either branch: provided that this rule may be suspended in either house whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise.

The Chair recognized Miss Collyer of Lisbon who offered an amendment to the pending Concurrent Resolution as follows:

"I desire to offer the following amendment, as I do not believe that it is fair to the members of this House to curtail their privileges:

AMENDMENT: Unless otherwise ordered by the House."

Miss Collyer of Lisbon spoke in favor of the amendment.

Speaker's Ruling

The Speaker ruled that the proposed amendment offered by Miss Collyer of Lisbon would not amend the pending Concurrent Resolution.

Mr. McMeekin of Haverhill explained that the Concurrent

Resolution as offered provides that the rule may be suspended by a two-thirds vote of the elected members on division taken.

The question being on the Concurrent Resolution.

On a *viva voce* vote the Concurrent Resolution was adopted.

Mr. Malley of Somersworth requested a division and spoke against the concurrent resolution.

A division being had, 182 members having voted in the affirmative and 97 members having voted in the negative, the Concurrent Resolution was adopted and sent to the Honorable Senate for concurrence.

Resolutions

Mrs. Brungot of Berlin offered the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives has assembled in accordance with the proclamation of His Excellency the Governor, and is now ready to proceed with the business of the session.

On a *viva voce* vote the resolution was adopted.

Mr. Craig of Manchester offered the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 12:00 o'clock for the purpose of receiving His Excellency the Governor and any communication he may be pleased to make and that a joint committee of five consisting of three on the part of the House and two on the part of the Senate be appointed to wait upon His Excellency and inform him accordingly.

On a *viva voce* vote the resolution was adopted and the Chair appointed as members of the joint committee on the part of the House, Mrs. Frizzell of Charlestown and Messrs. McMeekin of Haverhill and Craig of Manchester.

Senate Messages

The Senate has passed the following resolution:

Resolved, That the House of Representatives be informed that in pursuance of the proclamation of His Excellency, the Governor, the Senate has assembled and is now ready to proceed with the business of the Special Session.

The Senate has passed the following resolution:

Resolved, That the House of Representatives be notified that the Senate will be ready to meet the House in joint convention at 12:00 o'clock for the purpose of receiving His Excellency the Governor and any communication he may be pleased to make and for the transaction of such other business as may properly come before the convention.

The Senate has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the House of Representatives:

Resolved, by the Senate and House of Representatives concurring, that the joint rules of the last session be the joint rules of this Special Session of the Legislature, with the following amendment:

1. Strike out rule 12 and substitute in place thereof the following: No bill, joint resolution, claim outstanding on the first day of the session, or petition relating to new business shall be received in either branch of the Legislature unless reported by the Committee on Rules; and be it further provided that this rule may be suspended in either branch of the Legislature whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof and not otherwise.

Joint Convention

The Honorable Senate then came in and the two branches being in convention, his Excellency the Governor, accompanied by the Honorable Council then appeared and delivered the following message:

Address of Governor Dwinell to the Special Session of the Legislature February 11, 1958

Mr. Speaker, Mr. President, Members of the General Court:

You have been requested to meet here today in accordance with that provision of our Constitution which authorizes the Governor, with the advice of the Council to convene the General Court in special session whenever the welfare of the State requires it.

My regret at the necessity for this emergency session

is tempered only by my personal pleasure in this opportunity to welcome the members as they return to Concord.

It has been our accepted practice to consider all legislation in regular biennial sessions of the General Court, and to convene special sessions only to meet extraordinary conditions. I believe this policy to be a proper one, and that special sessions should deal only with such matters as may not wait until the next regular session.

You have been called together for just one reason. The people of New Hampshire look to you, as their representatives, and to me, as their governor, to balance the budget which we jointly approved during the regular 1957 session.

When that session was adjourned last August, I congratulated you on your achievement in providing the revenues needed to meet the cost of increased state services, which a majority of you deemed necessary. The budget for 1958 and 1959 was the largest in our history, but it was in balance. Together, we had done our duty as we saw it.

You will recall that on the eve of your adjournment, I cautioned you again, as I had in my budget message earlier, that this special session might be necessary.

Three months later, in November 1957, the Supreme Court rendered its decision in a lawsuit brought against the state by the Public Service Company of New Hampshire challenging the franchise tax which had been levied in this state since 1931.

The Court's decision, invalidating the method by which the tax was computed had two very serious effects on our state finances:

1. It awarded to the protesting utility companies the sum of \$1,358,000 in rebates — money which the State has already refunded to the claimants;

2. It also deprived the State of some \$1,080,000 in anticipated revenues from the franchise tax on the utilities — money which was expected and needed to balance the new budget.

The consequence of the Court's action was to leave the state out of pocket altogether by nearly 2½ million dollars.

So, instead of the modest \$20,000 surplus which we estimated we would have on June 30, 1959, we are now faced with a deficit of considerably more than \$1,000,000. You have therefore been convened to hear my recommendations on

how we should meet this situation and re-balance our budget, and to act upon these recommendations in the public interest.

Let us forget, for the moment, all the arguments and all the technical quibbling we have heard in recent weeks, and patiently seek out the facts on which your decision must be based.

What is a public utility franchise?

It is a special privilege granted by the people of this state to certain types of private enterprise — railroads, gas and electric companies, telephone companies and the like — which are operated as monopolies under state regulation. This means simply that such companies have no ordinary competition, and that the state undertakes on the one hand to protect their right to earn a reasonable profit, and on the other hand, to prevent them from overcharging the public for their services.

A franchise tax, then, is in the nature of a fee paid to the people by a special class of privately-owned business firms for the right to enjoy the privileges of a monopoly under state regulation. Nearly every state in the union levies special taxes on utilities in one form or another.

When our New Hampshire franchise tax was enacted some 26 years ago, the yardstick used to measure the value of the gas and electric company franchises was based on an involved and complicated formula.

Here we come to a point which it is important not to miss.

The Supreme Court, in its ruling last November, said nothing that would deny the right of the state to tax utility franchises. In fact, it recognized and reaffirmed that right.

What the Court actually declared invalid was the method of valuing the franchise. I ask you to keep that fact carefully in mind hereafter.

The Court's decision, costly as it has proven to the state, was naturally received with great satisfaction by the utility companies which had paid the franchise tax under protest. But here, again, I ask you to note a particularly significant fact. The suit against the state, and the protesting of tax payments, came from only six of the 18 utility companies which had been subject to the franchise tax. Twelve other companies paid the tax without protest, sought no refund, and to this day have not complained against it.

I have not convened this Special Session capriciously or thoughtlessly. When I was informed of the Court's decision and had briefly considered its implications, I at once took those steps which I felt it was my duty as governor to initiate.

I directed the Deputy Attorney General and the Tax Commission to study carefully the Court's decision, to see how far it might limit any effort by the state to recover from the same source the revenues we had lost.

I also launched a painstaking review of our fiscal situation, to make sure we fully understood what impact the Court's verdict would have on our finances not only for this biennium but thereafter.

I then asked to confer with me your presiding officers, Speaker Scamman and President Ferguson, your majority and minority leaders, the members of your rules committees, and the chairman of those standing committees which would initially have to deal with remedial legislation. I proposed a course of action which was generally agreed to. It was my desire that any proposal which I might submit to the General Court could be made with the utmost confidence as to its constitutionality, its equity and its effectiveness in solving the problem at hand.

With the consent of the Council, I directed eight questions to our Supreme Court on questions of law bearing on constitutional methods of re-establishing the franchise tax. I want to make it very clear that in taking this step, with the full knowledge and concurrence of these members of both the Senate and the House, it was not my intent to usurp a prerogative usually reserved to the Legislature itself. The step was taken only to determine whether or not it was practicable to convene a Special Session, and to save time and money in the event that you should, as you have, re-assembled.

The Supreme Court charted a clear course which may be followed in restoring the State's fiscal stability.

In our request for the advisory opinion, we had taken care to ask the Court what methods of valuation would be recognized as equitable and just. We now know what we can do to avoid any likelihood that a replacement franchise tax — if enacted — would be struck down in some future suit before the Court.

Now I have reported all these developments, step by step,

and in such detail only because you should clearly understand two things:

1. That we are not asking you to enact a new kind of tax, or a tax which the Court might consider "discriminatory" and
2. That the franchise tax bill which I am proposing is carefully drawn to meet the Court's specifications.

In considering the plan which I am submitting to you, one question has been uppermost in my mind. Is there a clearly demonstrated need for the re-establishment of the franchise tax? I ask that you join with me in considering this need by reviewing the statement of our financial situation which has been distributed to each of you. This statement also has been most carefully prepared to summarize our present financial condition as clearly and concisely as possible. It has been reviewed by the office of the Comptroller and by the Legislative Budget Assistant.

The first column, headed *Legislative Estimate*, shows that when the General Court adjourned in August, you had provided sufficient funds to meet all obligations. It shows that we would be in the "black" with a surplus of \$20,000 on June 30, 1959. This *Legislative Estimate* is the official statement prepared by your own fiscal officer, the Legislative Budget Assistant, at the conclusion of the regular session. These are the official figures sent to your Appropriations and Finance Committees which have been used as the guide not only for those committees, but for all of us in the Executive branch of the government concerned with financial matters.

The striking down of the franchise tax upset our calculations by nearly \$2,500,000. The second column in the summary headed *Revised Estimate* shows our best calculation of where we will be without the franchise tax. *Line 7* shows the \$1,358,000 which has already been paid back to the utility companies. *Line 13* shows that we will be in the "red" by at least \$1,129,000 unless positive action is taken by this special session.

The last three lines in the second column of the statement (lines 13, 14, and 15) show more graphically than I can describe in words the mission of this special session, and the need for the re-establishment of the franchise tax. These

lines show that a staggering deficit will be turned back into a surplus by the legislation which I am proposing.

The rest of the statement, that part below the solid line which I have explained to you, shows the changes in estimates of receipts and expenditures since you approved the original budget. We have taken fully into account the increases from such major sources as liquor, racing, tobacco, and the telephone tax.

I want to emphasize that we have taken into account every item of revenue. We have accounted not only for the actual changes which we know have taken place in the first seven months of the biennium, but we have projected just as accurately as we know how what these increases are going to be for the balance of the entire two-year period.

I hope you will study these figures carefully because they are very important indeed.

You will be reminded that in recent years we have saved approximately half a million dollars annually from so-called "lapses" or unspent appropriations. That also has been taken into account.

In the regular session, you wisely provided that any unspent appropriations in 1958 be used to put into effect a long delayed 40-hour week for those faithful state employees who now toil much longer hours, particularly at our state institutions. I am informed by the Personnel Division, and by the legislative committee studying the 40-hour week that all of our unused funds will be needed to carry out the program. I am sure you would not wish to deprive hundreds of state employees of the equitable treatment they so richly deserve. This is what would happen if we tried to balance the budget by repealing the 40-hour week.

So much then for the impact of the Court's decision on our finances.

There is one additional comment that I could make, but I hesitate to do so before a New Hampshire Legislature. I have not even referred to the possibility of our borrowing our way out of a deficit. No New Hampshire Legislature would ever resort to such a device. I know that you never want to pass on to future generations the obligation of a tax which we collected illegally and have already repaid. You would no more want to do this than any self-respecting New Hampshire citizen who is out of a job would go into the office of a finance

company when he could go to the employment office next door where a job is already waiting for him.

I have already told you that the Supreme Court in its advisory opinion has eliminated any doubts as to the constitutionality of taxing utility franchises. The reasonableness and equity of a franchise tax on companies operating as a monopoly have been long established. For over 100 years this State has taxed both the property and the franchises of railroads. As time went on, our General Court has taxed both the property and the franchises of telephone and telegraph companies, of express, sleeping car and other companies. For over a quarter of a century, our General Court has deemed it just and proper to tax the franchises of gas and electric companies.

It should be emphasized here again, and emphasized very strongly, that the present Supreme Court decision did not invalidate a franchise tax as such, but simply the method by which that franchise was valued.

To contend that a franchise has no value is absurd. A franchise is a right belonging to all the people which they may from time to time grant to companies who are guaranteed freedom from competition and are assured the right to a reasonable rate of return. The people in turn are entitled to a reasonable reimbursement from a monopolistic company for the value of that right which they have granted.

You should also know about the origin of this particular franchise tax. Enacted in 1931, it was recommended by a special tax study commission created in 1927. I would like to read you a section of that commission's report, headed *Electric Utilities*.

Franchise Tax:

"In recent years the development of electric utilities is proceeding at a rapid pace. The nature of their business is such that to carry it on they must be granted certain public rights as the right of eminent domain, the right to cross highways and rivers, and in the case of those using water power, the right of flowage. The value of the various rights which are included in the broad term 'franchise', cannot be reached by any of the methods used in taxing tangible property. The tangible property of these utilities is, of course, taxed in the communities where it is found. The present method of taxing railroads and certain other corporations of state-wide operation is such as

to recognize this franchise value, and it is felt that an adaptation of that method could be applied to electric utilities. Accordingly, the commission recommends the enactment of a law imposing a franchise tax on electric utilities."

To me, what I have just read means simply this. Prior to the time the original franchise tax on gas and electric utilities was enacted in 1931, these companies had been a favored class whose franchises had not been taxed.

The rate of 4% proposed in the new tax bill is reasonable when compared with the rate in the old law. The rate is reasonable indeed, when compared with the higher rates of the average property tax, the interest and dividends tax, the legacy tax, and many other taxes which the General Court has seen fit to enact from time to time. The proposed rate of 4% is even more reasonable when compared to the 52% tax which the federal government levies on a similar base.

This problem must not be deferred until the 1959 Legislature. You are well aware that our Constitution prohibits retroactive tax laws. Deferring action until 1959 would lose for the state at least a full year of revenue. More important, however, is the duty which the Governor and the Legislature share together in providing every proper and prudent consideration of all problems facing them during the two-year term for which they are elected. This is our problem, not the problem of our successors. To postpone consideration of a matter which is our responsibility would be both cowardly and a dereliction of our sworn duty.

We have always been proud in New Hampshire that each Governor and each Legislature, regardless of partisanship or political affiliation, have carried out their constitutional responsibilities. Prudent financial management is traditional in our state. Such management has made it possible for New Hampshire to be one of only four states which now levy neither a sales tax nor a general income tax. Such management is not the sole responsibility of any one political party, or of any one Governor or Legislature, but is dedicated to a basic principle of New Hampshire government, a principle which demands prompt action in any crisis.

It is regrettable that some of those who benefit the most from this valuable franchise, granted them by the people, protest the most about the possible effects of the action which I

am recommending to you. You have already heard much about the amount of taxes, paid by certain utility companies. The size of a tax bill should always be related to the size and wealth of the taxpayer. A big company, if successful and prosperous must inevitably pay big taxes.

Many of you, I know, are bothered by uncertainty as to what the enactment of this proposed tax will mean to the consumer, in terms of higher utility rates. The spokesmen for our largest utility company have done everything they can to plant this question in your minds, and to suggest that a restoration of the franchise tax will "automatically" entitle the company to charge higher rates.

All of us, for practical purposes, are consumers of electricity, and therefore are concerned with this problem.

I should like to point out to you three significant facts:

1. There is no such thing as an "automatic" rate increase. The regulated utilities must be able to prove conclusively to the regulatory body — the Public Utilities Commission — that they cannot operate at a reasonable and allowable profit without such increase. The last time the largest utility company sought an increase, it was reduced from \$604,000 to \$165,000 by the effective action of this administration and our Public Utilities Commission, resulting in an annual saving to consumers of nearly half a million dollars.

2. A franchised utility, although it amounts to a monopoly, is expected to exercise prudence, efficiency and thrift in its business operations, just as any of us are. When we encounter some new expense of doing business, we cannot pass it along to our customers until we have done our best to absorb it from current revenues.

3. The actual effect of the proposed 4% franchise tax on the earnings of the utility companies would be far smaller than you might anticipate — certainly far smaller than some of their spokesmen would have us believe.

In your own businesses, which are highly competitive, you would think a long time before you tried to pass along to your customers $\frac{3}{4}$ of 1% of the price on the items that you sell. You and I would be ashamed, if we could not find savings through new economies in operation, and thus remain competitive over the counter with the customers we must keep.

But of course, our businesses are not monopolies and we do not pay any franchise taxes. Neither are we privileged by the State to operate on a cost plus basis, as the utilities are. We must make these savings — and I believe they can do it too.

I am sure that you grasp the reason for urgency here. Only by acting at once to re-establish this means of collecting tax money, can we avoid the loss of a full year's revenue from the old franchise tax, and also avoid massive new tax measures later on to make up for lost time and money.

You and I are obligated to provide the people of New Hampshire with a balanced budget.

We now have before us the means of doing this.

If, out of indifference to our duty or out of misplaced sympathy for a privileged monopoly, we failed to restore this source of revenue, we would deserve nothing but the contempt of those who follow us; those who must somehow rectify our error. This is, indeed a solemn occasion and an important task. Its performance is in our hands.

STATEMENT OF UNAPPROPRIATED SURPLUS

Item	Legislative Estimate August 1957	Revised Estimate February 1958
1. Unappropriated Surplus 6/30/57	\$ 4,559,641	\$ 4,389,710
2. Unrestricted Revenue, Fiscal Year 1958	19,874,533	19,879,133
3. Inventory Bond Retirement	214,000	214,000
4. Total Available	\$24,648,174	\$24,482,843
5. Total Net Budget Appropriation	22,277,911	21,991,170
6. Unappropriated Surplus 6/30/58	\$ 2,370,263	\$ 2,491,673
7. Refund of Franchise Tax .....	.....	1,358,221
8. Adjusted Unappropriated Surplus 6/30/58 .....	.....	\$ 1,133,452
9. Unrestricted Revenue, Fiscal Year 1959	\$19,981,985	\$20,068,585
10. Inventory Bond Retirement	214,000	214,000
11. Total Available	\$22,566,248	\$21,416,037
12. Total Net Budget Appropriation	22,545,328	22,545,328
13. Unappropriated Surplus 6/30/59	\$ 20,920	\$ 1,129,291
14. Estimated Revenue, Proposed Franchise Tax .....	.....	1,160,000
15. Unappropriated Surplus 6/30/59 .....	.....	\$ 30,709

Explanation of Above Statement

Item 1, Revised Estimate — The \$4,389,710 unappropriated surplus as of 6/30/57 is the final amount determined by the Division of Accounts.

Item 2, Revised Estimate — The \$19,879,133 estimate of unrestricted revenue for 1958 was determined in the following manner:

Legislative Estimate	\$19,874,533
Plus Estimated Increases:	
Telephone Tax	\$107,000
Tobacco Tax	175,000
Racing	31,000
	<hr/>
Liquor and Beer	274,600
	<hr/>
Less Estimated Decreases:	
Sale of Services	\$ 43,000
Old Franchise Tax	540,000
	<hr/>
Revised Estimate	\$19,879,133

Item 5, Revised Estimate — The \$21,991,170 total budget appropriation estimate is based upon the operating statements prepared by the Division of Accounts for the first six months of fiscal 1958. It is estimated that all unused funds for 1958 will be necessary to provide for the 40-hour week as authorized by the 1957 Legislature.

Item 9, Revised Estimate — The \$20,068,585 estimate of unrestricted revenue for 1959 was determined in the following manner:

Legislative Estimate	\$19,981,985
Plus Estimated Increases:	
Telephone Tax	\$100,000
Tobacco Tax	175,000
Liquor and Beer	374,000
	<hr/> 649,600
Less Estimated Decreases:	
Sale of Services	\$ 23,000
Old Franchise Tax	540,000
	<hr/> 563,000
Revised Estimate	<hr/> \$20,068,585

Item 12, Revised Estimate — It is estimated that a large part of any unused funds for 1959 will be necessary to offset a probable deficiency of \$200,000 in the present appropriation for the 1959 Legislative Session.

On motion of Senator Rowell of District No. 3 the Convention rose.

House

Introduction of a Bill

The following bill was introduced, read a first and second time and referred to a special joint committee consisting of the committees on Judiciary and Ways and Means.

By Mr. McMeekin of Haverhill, House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax.

The Speaker explained that this bill had been printed prior to the assembling of the Special Session.

Mr. Green of Manchester moved that the rules of the House be so far suspended as to permit a public hearing on House Bill No. 1 to be held at two o'clock this afternoon in Representatives Hall, without previous advertisement in the Journal.

The question being on the motion.

Mr. Pillsbury of Manchester spoke in favor of the resolution and stated that he would abstain from discussing the merits of the bill and from voting on the bill.

On a *viva voce* vote the motion to suspend the rules prevailed.

Qualified

Mr. O'Neil of Chesterfield having appeared before his Excellency the Governor on Tuesday, February 11, 1958, was duly qualified and appeared and took his seat as a member of the House.

The Speaker introduced Mr. O'Neil to the House.

Resolutions

Messrs. Peever and Willis of Salem offered the following resolution:

Whereas we have learned of the death of Walter F. Haigh of Salem, and

Whereas, Mr. Haigh was a fellow Representative, therefore be it

Resolved, that the members of the House of Representatives, do hereby extend our sympathy to the family in its bereavement, and be it further

Resolved, that the Clerk transmit a copy of these resolutions to Mrs. Haigh.

On a rising vote the resolution was unanimously adopted.

Mr. Claflin of Wolfeboro offered the following resolution:

Whereas we have learned of the death of Emery W. Carr, and

Whereas, Mr. Carr was a fellow Representative from Wolfeboro, therefore be it

Resolved, that the members of the House of Representatives, do hereby extend our sympathy to the family in its bereavement, and be it further

Resolved, that the Clerk transmit a copy of these resolutions to Mrs. Carr.

On a rising vote the resolution was unanimously adopted.

Mr. Smith of Hinsdale, for himself and Mr. Ingham of Winchester offered the following resolution:

Whereas, we have learned with sorrow of the passing of Walter J. Post, former Representative and elected to the present House of Representatives from Chesterfield, and

Whereas, Mr. Post had also served as Selectman for his town, as President of the Cheshire County Fire Wardens Association and as acting Postmaster of Spofford, therefore be it

Resolved, that we the members of the House of Representatives, pay tribute to our former associate for his services to his town, county, state and country, and express our deep sympathy to the family in its bereavement, and be it further

Resolved, that when the House adjourns today, it be in memory of former Representative Post and that the Clerk be instructed to transmit a copy of these resolutions to Mrs. Post.

On a rising vote the resolution was unanimously adopted.

Mr. Bardol of Wilton offered the following resolution:

Whereas, David J. Barry of Wilton has passed away, and

Whereas, he represented his town for several sessions in the House of Representatives, particularly serving as Clerk of the Committee on Appropriations, and

Whereas, he also served as County Commissioner in the County of Hillsborough and as Moderator in the Town of Wilton, therefore be it

Resolved, that we, the Members of the House of Representatives of the New Hampshire Legislature in Special Session assembled, hereby pay tribute to our former fellow member for his services to his town, county and state, and extend our heartfelt sympathy to his family in its bereavement, and be it further

Resolved, that the Clerk of the House transmit a copy of these Resolutions to his family.

On a *viva voce* vote the resolution was unanimously adopted.

Mrs. Brungot of Berlin offered the following resolution:

Resolved, that the members of the House be provided with the same newspaper service as was provided them during the 1957 session.

On a *viva voce* vote the resolution was adopted.

Mr. Pickett of Keene offered the following resolution:

Resolved, That unless otherwise ordered the hours of assembling of the House shall be at eleven o'clock in the forenoon and three o'clock in the afternoon.

On a *viva voce* vote the resolution was adopted.

Communication

MARY VARNUM PLATTS CHAPTER

Rindge, New Hampshire

February 6, 1958

Hon. W. Douglas Scamman
Speaker
House of Representatives
Concord, New Hampshire

DEAR SIR:

We, the members of Mary Varnum Platts Chapter of D.A.R. at a meeting February 5, earnestly petition the Special Meeting of the Legislature to pass a law prohibiting minors from going to cocktail lounges or parlors.

We feel this is essential legislation for protection of our youth and stopping many of our highway accidents, and far more important than any tax bill.

Please present this petition to the House of Representatives.

Sincerely,

s/ FLORENCE G. WHIPPIE,
Secretary for 32 members.

On motion of Mrs. Davis of Concord the House adjourned at 1:01 o'clock in memory of former representative Walter J. Post of Chesterfield, to meet tomorrow morning at 11:00 o'clock.

WEDNESDAY, FEBRUARY 12, 1958

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Our Heavenly Father, we thank Thee that today our whole nation unites in paying tribute to one whom we all dearly love. We thank Thee for the memory of Abraham Lincoln; for his moral courage, his understanding heart, his high resolve in all things always to be in Thy service.

We pray that something of this spirit may be present among us now, enabling us to seek the common good. And may we see as clearly as he did that only right makes right, that only as we are in Thy service can we hope that our affairs will prosper.

We pray in Jesus' name. Amen.

Salute to the Flag

Mr. Lamprey of Moultonborough led the Convention in the salute to the flag.

House

Leave of Absence

Mr. Lacaille of Laconia was granted a leave of absence for the day on account of illness.

Introduction of a Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Bisbee of Derry, House Bill No. 2, An Act relative to the effective date of regulations for the taking of oysters, clams and clam worms. To the Committee on Fish and Game.

Mr. Bisbee of Derry moved that the rules of the House be so far suspended as to dispense with the printing of House Bill No. 2 and that the bill be placed on third reading and final passage at the present time by title only.

The question being on the motion.

Mr. Bisbee of Derry spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Third Reading

House Bill No. 2, An Act relative to the effective date of regulations for the taking of oysters, clams and clam worms, was read a third time, passed and sent to the Senate for concurrence.

Senate Message

The Senate has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the House of Representatives:

Concurrent Resolution

A Concurrent Resolution memorializing the Congress of the United States to propose an amendment to the Federal Constitution relative to the imposition and collection of taxes on income by the States.

Whereas, citizens of New Hampshire residing within this State but employed in the States of Vermont and Massachusetts are now imposed upon by being forced to pay income taxes to those States; and

Whereas, United States Senator Styles Bridges and Norris Cotton of New Hampshire have joined with United States Senators from other States in proposing an amendment to the Federal Constitution to end the imposition of income taxes by one State upon the residents of other States; now therefore

Be it Resolved, by the Senate of the State of New Hampshire, the House of Representatives concurring:

(1) The Congress of the United States is hereby memorialized to propose an amendment to the Federal Constitution by adding a new article to the amendments by which the several States would have no power to impose and collect taxes on income from whatever source derived except in respect to residents of the State imposing the tax.

And Be it Further Resolved, That the Secretary of State be instructed to forward a copy of this Concurrent Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the United States Senate.

Miss Spollett of Hampstead moved that the House concur with the Senate in the adoption of the foregoing Concurrent Resolution.

Miss Spollett of Hampstead and Mr. Pickett of Keene spoke in favor of the motion to concur.

On a *viva voce* vote the motion to concur prevailed.

Concurrent Resolution

Mr. Street of Sharon offered the following concurrent resolution:

Concurrent Resolution Urging the Repeal of the Federal Excise Taxes on Persons and Property Transportation

Whereas, the federal transportation tax, on the movement of passengers and freight, was adopted in nineteen hundred and forty-two as a wartime emergency and defense revenue tax to discourage unnecessary travel by civilians and shipment of freight at a time when public transportation was hard pressed to meet the demands of travel and shipments for the war effort; and

Whereas, with cessation of hostilities the federal transportation tax, rather than being a benefit to the welfare of New Hampshire, presently acts as a detriment to its economy; and

Whereas, transportation by for-hire carriers is vitally essential to the welfare and national defense of the country, a continuance of the federal transportation tax, inasmuch as it

is not applicable to private carrier operations, presently operates as a hardship on for-hire carriers; and

Whereas, the federal transportation tax, in continuing this wartime tax, by reason of its character or application, tends to operate with a discriminatory effect on communities and the residents thereof, and further tends to confine trade areas, with the result of interference with the free flow of commerce within the United States; therefore be it

Resolved, by the House of Representatives, the Senate concurring, that it be placed on record as favoring the repeal of the federal transportation tax of three per cent on all commodities shipped by for-hire carriers and the repeal of the transportation tax of ten per cent on all passenger fares; and be it further

Resolved, that the Secretary of State be, and hereby is, directed to forward a copy of this resolution to each of the Representatives from the State of New Hampshire in the Senate and House of Representatives of the United States with the recommendation that serious consideration be given to supporting the repeal of excise taxes as applicable to the movement of people and goods via for-hire carriers.

Mr. Street of Sharon spoke in favor of the Concurrent Resolution.

On a *viva voce* vote the Concurrent Resolution was adopted and sent to the Senate for concurrence.

Resolutions

Mr. Pettigrew of Manchester offered the following resolution:

Whereas, we have learned with regret of the passing of one of our faithful attaches, Sherman L. Greer of Manchester, who has served us so graciously as doorkeeper for many sessions and

Whereas, we shall miss his friendly greetings as we enter Representatives Hall, therefore be it

Resolved, that we, the members of this House of Representatives, do hereby extend our heartfelt sympathy to his family, and be it further

Resolved, that the Clerk be instructed to transmit a copy of these resolutions to Mrs. Greer.

On a rising vote the resolution was unanimously adopted.

Mr. Karagianis of Laconia offered the following resolution:

Whereas, Lillian Harrington Tilton, wife of Elmer S. Tilton, Representative from Laconia for several sessions, has passed away, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

Resolved, That the Clerk of the House transmit a copy of these resolutions to Representative Tilton.

On a *viva voce* vote the resolution was unanimously adopted.

Mrs. Frizzell of Charlestown offered the following resolution:

Whereas, we have learned of the death of Howard Hamlin of Charlestown, a former fellow representative, and

Whereas, Mr. Hamlin also served in the capacity of Assistant Clerk and Page of the House of Representatives for several sessions, therefore be it

Resolved, that we, the members of this House of Representatives do hereby extend our sympathy to his family in its bereavement and be it further

Resolved, that the Clerk transmit a copy of these resolutions to Mrs. Hamlin.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Hersom of Northumberland offered the following resolution:

Whereas, it has come to the happy attention of New Hampshire citizens that a former legislator has celebrated his 101st birthday anniversary, an achievement which brings honor and credit to his native State, and

Whereas, this refers to Fred C. Farwell of Susanville, California, native of Harrisville and a member of our General Court in 1889, some 69 years ago, or before the memory of most present residents of our beloved State, and

Whereas, this also means that Mr. Farwell is the oldest living man ever to serve in our House of Representatives, be it therefore

Resolved, that when the House of Representatives adjourns today it be with a rising vote of commendation, felicitations and best wishes for continued good health and happiness for Fred C. Farwell, our one-time legislator, his four sons and four daughters, and his 14 grandchildren and 14 great-grandchildren.

Be it also Resolved, that a copy of these resolutions be suitably engrossed and forwarded to Mr. Farwell by the Clerk.

On a *viva voce* vote the resolution was unanimously adopted.

Introduction of House Joint Resolution

The following House Joint Resolution was introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Crosby of Hillsborough and Mr. King of Manchester, House Joint Resolution No. 1, Joint Resolution in favor of Henry C. Duke. To the Committee on Appropriations.

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to dispense with the printing of House Joint Resolution No. 1 and to permit a public hearing on the joint resolution to be held at 1:30 o'clock this afternoon without advertisement in the Journal.

On a *viva voce* vote the motion to suspend the rules prevailed.

On motion of Mr. Pickett of Keene the rules were so far suspended as to permit the business in order at three o'clock this afternoon to be in order at the present time and when the House adjourns today it be with best wishes for continued health and happiness for former representative Fred C. Farwell, to meet tomorrow morning at 11:00 o'clock.

On motion of Miss Collyer of Lisbon the House adjourned at 11:54 o'clock.

THURSDAY, FEBRUARY 13, 1958

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

We need Thy help, our Father, and we seek it humbly. We want to do right, and to be right. Most of us know perfectly well what we ought to do; our trouble is that we do not want to do it. We are beginning to understand, our Father, that the things that are wrong with our world are the sum total of all the things that are wrong with us as individuals.

We pray, O Lord, that our democratic processes may be seen at their best in this time of testing. Let us all be guided not by emotion or ambition, but by calm conviction of what we know, deep in our hearts, is clearly right.

In the name of Christ our Lord. Amen.

Salute to the Flag

Mr. Bigelow of Warner led the Convention in the salute to the flag.

House**Leave of Absence**

Mr. Littlehale of Durham was granted a leave of absence for the day on account of illness.

Introduction of Guests

The Chair introduced the following as guests of the House:

The Civics class of Goffstown High School accompanied by their teacher, Mr. Aninger, sponsored by Mr. Hambleton of Goffstown.

The "Problems of Democracy" class of the senior class of Nashua High School accompanied by their teachers, Joseph Kilbane and Paul O'Neil, sponsored by Mr. Sablusi of Nashua.

Senate Message

The Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 1, An act relative to the sale of the Portsmouth armory.

Introduction of Senate Bill

Senate Bill No. 1, An Act relative to the sale of the Portsmouth armory, was introduced, read a first and second time, laid upon the table for printing and referred to the Committee on Executive Departments and Administration.

Mr. Lamprey of Moultonborough moved that the rules of the House be so far suspended as to dispense with the printing of Senate Bill No. 1 and to permit a public hearing on said bill to be held next Tuesday morning at 10:00 o'clock.

On a *viva voce* vote the motion to suspend the rules prevailed.

Committee Report

Mr. Smith of Manchester for the Committee on Appropriations to whom was referred House Joint Resolution No. 1, Joint Resolution in favor of Henry C. Duke, having considered the same, report the same with the recommendation that the joint resolution ought to pass.

The report was accepted.

The Clerk read the house joint resolution in full.

On a *viva voce* vote the joint resolution was ordered to a third reading.

Mr. Bell of Plymouth moved that the rules be so far suspended as to put House Joint Resolution No. 1 on third reading and final passage at the present time by caption only.

On a *viva voce* vote the motion prevailed.

Third Reading

House Joint Resolution No. 1, Joint Resolution in favor of Henry C. Duke, was read a third time, passed and sent to the Senate for concurrence.

Senate Message

The Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Concurrent Resolution Urging the Repeal of the Federal Excise Taxes on Persons and Property Transportation

Whereas, The federal transportation tax, on the movement of passengers and freight, was adopted in nineteen hundred and forty-two as a wartime emergency and defense revenue tax to discourage unnecessary travel by civilians and shipment of freight at a time when public transportation was hard pressed to meet the demands of travel and shipments for the war effort; and

Whereas, With cessation of hostilities the federal transportation tax, rather than being a benefit to the welfare of New Hampshire, presently acts as a detriment to its economy; and

Whereas, Transportation by for-hire carriers is vitally essential to the welfare and national defense of the country, a continuance of the federal transportation tax, inasmuch as it is not applicable to private carrier operations, presently operates as a hardship on for-hire carriers; and

Whereas, The federal transportation tax, in continuing this wartime tax, by reason of its character or application, tends to operate with a discriminatory effect on communities and the residents thereof, and further tends to confine trade areas, with the result of interference with the free flow of commerce within the United States; therefore be it

Resolved, By the House of Representatives, the Senate concurring, that it be placed on record as favoring the repeal of the federal transportation tax of three per cent on all commodities shipped by for-hire carriers and the repeal of the transportation tax of ten per cent on all passenger fares; and be it further

Resolved, That the Secretary of State be, and hereby is, directed to forward a copy of this resolution to each of the Representatives from the State of New Hampshire in the Senate and House of Representatives of the United States with the recommendation that serious consideration be given to supporting the repeal of excise taxes as applicable to the movement of people and goods via for-hire carriers.

Resolutions

Mr. Deans of Milford for himself, Mr. Falconer and Mrs. Hutchinson of Milford offered the following resolution:

Whereas, Mrs. L. Gertrude Howison of Milford has passed away, and

Whereas, Mrs. Howison was a member of the House of Representatives for three sessions, and

Whereas, Mrs. Howison was a benefactor of Milford, joining with her husband, Mr. James J. Howison, in donating land to the town, and having been instrumental in establishing institutions such as Home for the Aged and Community House, and serving on boards of trustees, committees and offices of many organizations, therefore be it

Resolved, That we, the members of the House of Representatives of the New Hampshire General Court, hereby pay tribute to Mrs. Howison's services to her state and town and express our deep sympathy to her widower and other relatives, and be it further

Resolved, That the Clerk of the House transmit to Mr. Howison a copy of these Resolutions.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Davis of Conway offered the following resolution:

Whereas, We have learned with regret of the passing of Arthur P. Gale of Jackson, and

Whereas, Mr. Gale was a former fellow member of the House of Representatives and also served as Senator from District Number 4, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby pay tribute to the faithfulness of Mr. Gale in his services to his town and state, and extend our sincere sympathy to his family, and be it further

Resolved, That the Clerk be instructed to transmit a copy of these resolutions to Mrs. Gale.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Battles of Kingston offered the following resolution:

Whereas, We have learned of the death of Charles M. McNeil, and

Whereas, Mr. McNeil was a former fellow representative from the town of Kingston, therefore be it

Resolved, That we, the members of this House of Representatives, do hereby extend our sympathy to his bereaved family and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. McNeil.

On a *viva voce* vote the resolution was unanimously adopted.

Miss Collyer of Lisbon offered the following resolution:

Whereas, We have learned of the death of George O. Elms of Lisbon, and

Whereas, Mr. Elms was a former representative from the town of Lyman, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby pay tribute to his services to his town and state and extend to his family our sincere sympathy in its bereavement, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Elms

On a *viva voce* vote the resolution was unanimously adopted.

Mrs. Ainley of Manchester offered the following resolution:

Whereas, We have learned that Friday, the fourteenth of February is not only St. Valentine's Day but that one of our revered members of the House of Representatives has a birthday on that date, and

Whereas, Our genial fellow member from Manchester, Joseph H. Geisel will be eighty-seven years young on that day therefore be it

Resolved, That we, the members of this House of Representatives, extend our heartiest congratulations and best wishes to Joe, and be it further

Resolved, That when the House adjourns today it be in honor of Representative Geisel.

On a *viva voce* "Happy Birthday" vote the resolution was unanimously adopted.

Senate Message

The Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 2, An Act relative to ratification of deed from the state to the City of Concord.

Introduction of Senate Bill

Senate Bill No. 2, An Act relative to ratification of deed from the state to the city of Concord, was introduced, read a first and second time, laid upon the table for printing and referred to the Committee on Executive Departments and Administration.

Mr. Lamprey of Moultonborough moved that the rules of the House be so far suspended as to dispense with the printing of Senate Bill No. 2 and to permit a public hearing on the bill at 10:00 o'clock next Tuesday morning.

On a *viva voce* vote the motion prevailed.

Senate Message

The Senate has voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives.

House Bill No. 2, An Act relative to effective date of regulations for the taking of oysters, clams and clam worms.

On motion of Mr. Pickett of Keene the rules of the House were so far suspended as to permit the business in order at 3:00 o'clock this afternoon to be in order at the present time and when the House adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Mrs. Currier of Rochester the House adjourned at 11:26 o'clock in honor of the 87th birthday of Representative Joseph Geisel of Manchester.

A P P E N D I X

Resolution of Governor and Council Requesting Opinion of the Supreme Court

Whereas, The outcome of the petitions for abatement of franchise taxes brought by the Public Service Company of New Hampshire and the New Hampshire Electric Company against The State of New Hampshire has created serious problems in State finances and threatens to unbalance the budgets adopted by the General Court for the biennium ending June 30, 1959; and

Whereas, The Governor and Council have under consideration a proposal to convene the General Court in Special Session as soon as possible to act upon legislation to be recommended for their consideration by the Executive Department levying a new tax or taxes upon electric and gas utilities in substitution for the present ineffective franchise tax law and designed to produce revenue sufficient to replace that just lost; and

Whereas, Doubts exist whether it is possible to devise any practical and constitutional method of taxing such utilities at State level, in addition to the taxes now levied on their property at the local level, and unless a reasonable area for such legislation exists, doubts have been expressed as to whether it is expedient to call a Special Session; and

Whereas, The Governor and Council are in need of judicial advice on the applicable constitutional law in this field in order properly to determine whether it is wise and practical for them to convene the General Court in Special Session for the above-stated objective; and

Whereas, The obtaining of an advisory opinion on the following questions in advance of a Special Session, if it is eventually decided to call one, will result in substantial savings of public expense;

Now Therefore Be it Resolved, By the Governor and Council in Executive Session convened that the Justices of the Supreme Court be respectfully requested, upon this solemn occasion, to give their opinion upon the following important questions of constitutional law:

1. Must any tax levied upon the franchises of gas and electric utilities take the form of an *ad valorem* property tax?

2. Must any such tax as that described in question No. 1 be levied at the average rate of general property taxation throughout the State or may the General Court establish a reasonable rate differing therefrom?

3. Must the assessed valuation of utility franchises under any such tax as that described in question No. 1 be set at such proportion of the full value thereof as the locally assessed valuation of general property throughout the State bears to its full and true value?

4. Could the General Court by rigid formula fix the value of a utility franchise at the difference, if any, of the fair market value of its common stock over the value of all its assets (real and personal but exclusive of franchises) less the amount of its preferred stock, bonds and other indebtedness for the purpose of imposing an *ad valorem* property tax?

5. Could the General Court declare the value of a utility franchise to be equal to its net operating income before federal income taxes, and tax the franchise at such value at the average rate of taxation throughout the State?

6. In view of the difficulty in valuing a utility franchise precisely, except by rigid formula, may the General Court, if it finds that the value of a franchise is directly proportioned to the net income of the utility, impose a tax on the franchises of such utilities equal to a reasonable percentage of their net operating income for the preceding year derived from the exercise of such franchises, and not limited by the rate of taxation fixed by RSA 77, as amended?

7. Instead of an *ad valorem* property tax may the General Court establish an annual fee to be charged each holder of such a franchise for the extraordinary privilege thereby granted, equal to a reasonable percentage of its net operating income for the preceding year, derived from the exercise of such franchise, and not limited by the rate of taxation fixed by RSA 77, as amended?

8. May a gross or net income tax be levied upon the income of electric and gas utilities derived from utility operations within the State, at a reasonable rate determined by the General Court and not limited by the rate of taxation fixed by RSA 77, as amended?

Opinion of the Justices of the Supreme Court

To His Excellency the Governor and the Honorable Council:

The undersigned Justices of the Supreme Court make the following answers to the inquiries contained in your resolution filed December 16, 1957 pertaining to the levying of taxes upon gas and electric utilities at the state level:

The resolution states in part that you "are in need of judicial advice on the applicable constitutional law in this field in order properly to determine whether it is wise and practical . . . to convene the General Court in Special Session for the above-stated objective."

As is evident from this resolution, determination of the question before the Governor and Council for decision involves considerations which are practical as well as those which relate specifically to constitutional limitations upon the power to tax. The questions of the wisdom or practicality of legislation which might be recommended or adopted to replace the statute held unconstitutional in *Public Service Company of New Hampshire v. State*, 101, N. H. —, 136 A. 2d 600, are not matters of judicial concern. However to the extent that our opinions upon "important questions of law" (Const., Pt. II, Art. 74th) presented by your inquiries may be of aid in the performance of your constitutional duties (*Opinion of the Justices*, 79 N. H. 535), we deem it proper to answer, for reasons stated in the last paragraph of this opinion.

In expressing our opinions upon the constitutional issues, we are compelled to qualify our answers because of the generality of the inquiries and the absence of any proposed or existing statutory form such as customarily accompanies like inquiries from either branch of the Legislature or the Governor and Council. "It should be understood that we are not foreclosing any questions that may arise in the actual operation of [any proposed] act which may not be apparent . . . under the questions submitted." *Opinion of the Justices*, 97 N. H. 533, 540.

Viewed broadly the questions posed by the resolution seek definition of fundamental constitutional limitations upon any proposal to substitute for RSA ch. 83, a new statute taxing the franchises of gas and electric utilities as property in ownership, according to some new method of valuation; or in the alternative imposing a special tax measured by income derived

from the exercise of such franchises, and having characteristics differing from those of a general property tax.

I. The answer to your first inquiry depends upon the interpretation to be placed upon it. If by "*ad valorem* property tax" is meant a "general property tax" based upon the ownership of franchises as property, and a tax of the sort which has consistently been regarded as a tax upon "estates" (Const., Pt. II, Art. 6th), our answer to the question is that a tax upon the franchises of gas and electric utilities need not take the form of an *ad valorem* property tax for reasons which are more fully stated in the answers hereinafter made to questions 6 through 8. Accordingly our answer to question 1 is "no."

II & III. Your second and third questions suggest that the first question is intended to describe a general property tax levied because of ownership or possession of a franchise. This was the type of tax considered in *Opinion of the Justices*, 82 N. H. 561, and *Opinion of the Justices*, 84 N. H. 559. It has the characteristics of a tax upon estates, even though upon intangibles property rather than property tangible in nature. So construed, your second and third questions present the issues of whether such a tax must be levied at the average rate of taxation in cities and towns throughout the state (*cf.* RSA 82:2) and whether franchises must be assessed in the same proportion to full value as property is assessed in such cities and towns. Our answer to questions 2 and 3 is "no." *Railroad v. State*, 60 N. H. 87; *Wyatt v. State Board of Equalization*, 74 N. H. 552.

Article 5, Part Second, of our Constitution requires that taxes shall be proportional and reasonable. This requires a uniform valuation and a uniform rate throughout the district by which the tax is levied. *Railroad v. State*, *supra*, 95. In other words a state tax must be uniform throughout the state, a county tax throughout the county, a town tax throughout the town. *Id.* Consequently if the State as a taxing district levies an *ad valorem* property tax on the franchises of gas and electric utilities the Constitution does not require that this tax be levied at the average rate of taxation upon property in the cities and towns throughout the state, or that the franchises be valued in the same proportion to full value as the valuation of property in the cities and towns throughout the state bears to its full and true value. See *Amoskeag Mfg. Co. v. Manchester*, 70 N. H. 336

It should be noted however that the tax currently imposed upon railroad by RSA ch. 82, *supra*, is in the nature of a general property tax at the state level, and by legislative provision is presently levied at "the average rate of taxation . . . upon other property throughout the state." S. 2. Since the tax suggested by your questions 2 and 3 would be a tax of the same class within the same taxing district, if the Legislature should decide to levy both taxes simultaneously, it would be necessary that the two taxes conform both in rate and mode of valuation. *Bemis &c. Bag Co. v. Claremont*, 98 N. H. 446. 451.

IV & V. Questions 4 and 5 present the issue of whether the Legislature may provide by statute that the value of a utility franchise for purposes of a general property tax shall be determined according to formulae outlined by the questions. Whether the value of a utility franchise as property may reasonably be determined according to formulae some terms of which are undefined, depends upon information not presently before us, involving factual considerations, and the operation of economic principles upon them. Under these circumstances, we ask to be excused from answering questions 4 and 5.

VI & VII. Questions 6 and 7 in some respects may conveniently be considered together, since each proposes a tax to be measured by "net operating income" at a rate differing from that of the tax currently imposed upon dividends and interest by RSA ch. 77. Question 6 appears to relate to a general property tax or tax upon estates, while question 7 clearly relates to a different type of tax.

If we correctly interpret question 6 as referring to a general property tax to be levied upon franchises as property in ownership, then such a tax would need to bear no relation to the tax imposed by RSA ch. 77, which is an income tax by virtue of the amendment adopted in 1955. RSA 77:1 as amended by Laws 1955, c. 309, s. 1. See *Opinion of the Justices*, 99 N. H. 512. The tax suggested by question 6 would however be subject to the constitutional limitations which apply to general property taxes.

We express no opinion as to the effect of the assumption suggested by question 6 that the value of a franchise as the subject of a general property tax is proportional to net income or net operating income, since the economic facts upon which

the validity of such an assumption would rest are not before us. The making of such an assumption presents a legislative question in the first instance and raises no issue of constitutional law which can now be determined. It may be noted however that, as illustrated by the case of *Public Service Company of New Hampshire v. State*, 101 N. H. —, 136 A. 2d 600, an assumption contrary to fact which is embodied in statutory formula may render such a statute unconstitutional.

Question 7, as before stated, relates to a tax which would be distinct from the general property tax or tax upon estates, although denominated a “fee . . . for the extraordinary privilege” of exercising the franchise of a utility. Since the purpose indicated by your resolution is to procure new revenues, we may fairly assume that a revenue measure is intended, rather than a mere license fee having as its foundation the cost of regulating the utilities involved. *Cf.* RSA ch. 363-A. See *State v. Angelo*, 71 N. H. 224; *Marine Corps v. Benoit*, 96 N. H. 423, 426.

The power to tax franchises as property in ownership or possession, in the form of the tax upon estates is well established. *Opinion of the Justices*, 82 N. H. 561, 565; *Opinion of the Justices*, 84 N. H. 559; *Public Service Company v. State*, 101 N. H. —, 136 A. 2d 600. See *Bartlett v. Carter*, 59 N. H. 105, 106, *Fitchburg Railroad v. Prescott*, 47 N. H. 62, 67; *Railroad v. State*, 60 N. H. 133, 139. Franchises as a subject of taxation were first expressly mentioned in the Constitution by the amendment of Article 6, Part II, adopted by the people in 1903. Previously the Constitution provided for the taxation of “polls and estates in the manner that has heretofore been practiced.” By the amendment of 1903, Article 6 was brought into its present form to provide for the taxation of “other classes of property, including franchises and property when passing by will or inheritance.” The intention of the people to thereby permit the taxation of property classified otherwise than as polls and estates has since been firmly established. *Thompson v. Kidder*, 74 N. H. 89; *Opinion of the Justices*, 77 N. H. 611, 616; *Williams v. State*, 81 N. H. 341, *Conner v. State*, 82 N. H. 126; *Brock v. Farmington*, 98 N. H. 275, 280.

The provision authorizing the taxation of “franchises” as property otherwise classified was intended to permit taxation for reasons other than ownership, or possession of a

franchise. It is established law that such a tax, the "generating source" of which is something other than ownership (*Opinion of the Justices*, 82 N. H. 561, 568) need not be correlated either in mode of assessment or by uniformity of rate, with the general property tax or with other taxes which depend for their incidence upon some characteristic event distinct from ownership.

Hence it is our opinion that franchises of utilities may properly be taxed at a special rate, distinct from that imposed upon incomes, or inheritances, or by the general property tax. We see no reason why such a special tax upon utility franchises may not validly be imposed by reason of the receipt of income from the exercise of such franchises, or why it may not be levied at a special rate, and in proportion to the amount of income received through exercise of the franchises.

In our judgment such a tax would not be open to the objection that it would be a privilege or occupation tax such as has previously been condemned when proposed for imposition upon other subjects. See (*Opinions of the Justices*, 95 N. H. 537, 539; 95 N. H. 543; 95 N. H. 555; 98 N. H. 527. The exercise of a utility franchise is not a "common right" (*Cf. Opinion of the Justices*, 82 N. H. 561, 563; 84 N. H. 559, 568) but rather a special right which the State may and does grant or withhold at pleasure, to perform acts which are monopolistic and therefore subject to public regulation in the public interest. See *State v. Railroad*, 69 N. H. 35, 70 N. H. 421; *State v. Company*, 86 N. H. 16, 27, 28. While the right is undoubtedly property (*Opinion of the Justices*, 82 N. H. 561, 564), it does not follow that it must be taxed by means of a general property tax any more than income or property transferred by inheritance or by sale must be so taxed. Hence it may be taxed when its exercise produces income so received. *Cf. Williams v. State, supra*, 356. The tax proposed by question 7 would be free from any requirement that it conform to the general property tax, or to other special taxes of a different class such as that imposed by RSA ch. 77, but uniformity and proportionality must be maintained within this separate class of franchise taxes.

We do not consider this conclusion to be inconsistent with what was said in *Opinion of the Justices*, 95 N. H. 543. The bill there under consideration proposed as a measure of the

franchise tax then imposed by what is now RSA ch. 83, a specified rate for each kilowatt hour of electricity produced by an electric utility within the state. Since the tax imposed by the statute proposed to be so amended was a general property tax, the conclusion was inevitable that the amendment would result in disproportion and thus violate the constitutional requirements pertaining to that type of tax.

A further consideration which occurs to us in connection with this question is whether the franchises of gas and electric utilities may properly be selected as the subject of a special tax. It is our opinion that they may, for reasons sufficiently stated in *Opinion of the Justices*, 84 N. H. 559, 569, and other opinions of the justices delineating the scope of the power of the Legislature to select the subjects of taxation. See *Opinion of the Justices*, 97 N. H. 533, 536. Our answer to question 7 is "yes."

VIII. Your eighth question, as we interpret it, seeks to determine whether an income tax may be laid upon the net or gross income of gas and electric utilities, at a rate which differs from that of the tax currently imposed upon dividends and interest. In our opinion the answer to the question is "yes." Just as franchises of gas and electric utilities may reasonably be selected as subjects for taxation under the general property tax to the exclusion of other franchises. (*Opinion of the Justices*, 84 N. H. 559, 569) so income from the exercise of such franchises may be separately classified. The class so selected is as distinctive as that of the class upon which the tax upon interest and dividends is imposed. *Conner v. State*, 82 N. H. 126.

The question of whether income from the exercise of utility franchises may be taxed at a rate differing from that of the tax upon interest and dividends, or whether all such income must be taxed at a uniform rate presents a more difficult question. We take the view however that such classification may be supported by rational considerations distinguishing one class of income from the other. Thus should the tax contemplated by question 8 be levied upon net income, it would be distinguished from the tax imposed by RSA ch. 77, the essential characteristics of which are those of a gross income tax. Each such tax would constitute a separate class of income tax. See *Opinion of the Justices*, 95 N. H. 537, 539.

In concluding summary, subject to the qualifications stated herein, questions 1, 2 and 3 are answered "no"; and questions 7 and 8 are answered "yes." Questions 4 and 5 are not answered for the reasons indicated, and question 6 is answered in part.

While our duty to return the foregoing answer in response to your inquiries is not free from doubt, we have been prompted to return it by the probability that it will be of assistance to you in determining whether to call the Legislature together in advance of the next regular session, as provided by Art. 50th, Pt. II of the Constitution. Although the inquiries made relate to proposals which are primarily legislative in character and the Legislature is not presently in session, the answers are pertinent to the question now before you of whether to reconvene the Legislature to consider the imposition of a new tax upon the franchises or income of gas and electric utilities. The problem occasioned by financial difficulties arising out of invalidation of the tax heretofore levied (*Public Service Company of New Hampshire v. State, supra*), may be thought to present a "solemn occasion" warranting reply to the inquiries made so far as they are "upon important questions of law." Const., Pt. II, Art. 74th. See *Opinions of the Justices*, 73 N. H. 625; 75 N. H. 613; 86 N. H. 604; 93 N. H. 474, 475; 96 N. H. 517. Under the circumstances we have set aside our doubts, and submit the foregoing answers without intending however to depart from the settled interpretation of Art. 74th, *supra*, or to set a precedent for future advisory opinions. See *Opinion of the Justices*, 330 Mass. 713, 727.

/s/ FRANK R. KENISON,
/s/ LAURENCE D. DUNCAN,
/s/ AMOS N. BLANDIN, JR.,
/s/ EDWARD J. LAMPRON,
/s/ STEPHEN M. WHEELER.

January 16, 1958.

TUESDAY, FEBRUARY 18, 1958

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by the Chaplain.

Hear us, our Father, as we seek Thy guidance this day. Thou alone canst equip us for the tasks and the duties that are ours. May we not be deceived with a false reliance upon our own strength. Thou hast given us life itself with whatever talents we may possess. May we use them wisely today.

And may we not ask and expect Thy blessing and Thy guidance in our public lives while closing the door to Thee in our private living. Thou knowest what we are wherever we are. Help us to be the best we can be. Through Jesus Christ our Lord. Amen.

Salute to the Flag

Mrs. Lord of Gilford led the Convention in the salute to the flag.

House

Leaves of Absence

Mrs. Gordon of Jaffrey and the Messrs. Gibson of Concord and Sawyer of Brookfield were granted leaves of absence for the day on account of important business.

Mr. Dufour of Nashua was granted an indefinite leave of absence on account of illness.

Introduction of Guests

The Chair introduced the following as guests of the House:

Former Executive Councilor, Wesley Lyons, sponsored by Mr. Varney of Rochester.

Former member of the House of Representatives from Pembroke, George Lea.

Personal Privilege

The Chair recognized Mr. Davis of Conway on a point of personal privilege.

Report of the Committee on Engrossed Bills

Mrs. Mahoney of Concord, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled House bill:

House Bill No. 2, An Act relative to effective date of regulations for the taking of oysters, clams and clam worms.

Mr. McMeekin of Haverhill moved that the rules of the House be so far suspended as to permit the introduction of the report of the Committee on Executive Departments and Administration on Senate Bill No. 2, An Act relative to ratification of deed from the state to the city of Concord, not previously advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Committee Report

Mr. Young of Pittsfield, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 2, An Act relative to ratification of deed from the state to the city of Concord, having considered the same, report the same with the recommendation that the bill ought to pass.

The report was accepted.

At the request of Mr. Eldredge of Exeter, Mr. Lamprey of Moultonborough explained the bill.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Lamprey of Moultonborough moved that the rules of the House be so far suspended as to permit the introduction of the report of the Committee on Executive Departments and Administration on Senate Bill No. 1, An Act relative to the sale of the Portsmouth Armory, not previously advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Committee Report

Mrs. Payette of Portsmouth, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 1, An Act relative to the sale of the Portsmouth Armory, having considered the same, report the same with the

following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "armory" in the second line the words, and site, and by striking out the words "for municipal purposes" in the third line, so that said section as amended shall read as follows:

1 *Authorization for Sale.* The governor and council are hereby authorized to sell at private sale the Portsmouth armory and site to the city of Portsmouth at such price as they may determine to be fair and equitable as soon as the same is vacated by the National Guard of the state of New Hampshire in order to occupy a new armory at Portsmouth.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Lamprey of Moultonborough the rules were so far suspended as to put Senate Bills No. 1 and 2 on third reading and final passage at the present time by title only.

Third Readings

Senate Bill No. 1, An Act relative to the sale of the Portsmouth Armory, was read a third time, passed and sent to the Senate for concurrence in the amendment adopted by the House.

Senate Bill No. 2, An Act relative to ratification of deed from the state to the city of Concord was read a third time, passed and sent to the Secretary of State to be engrossed.

Senate Message

The Senate has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the House of Representatives:

A Concurrent Resolution memorializing the Congress of the United States to reduce non-essential federal spending and to reduce federal income taxes.

Whereas payrolls are being cut back because of the reduction of the purchasing power of the people of the United States; and

Whereas the number of unemployed in New Hampshire and throughout the United States is increasing to an extent which threatens the economic stability of whole communities of American homes; and

Whereas the financial stability of small business, which is the source of employment for most of our people, is threatened by federal income tax rates which are too high; and

Whereas a lower federal income tax rate upon small business would encourage the growth of small business with resulting increased employment; and

Whereas a lowering of federal income tax rates upon individual citizens would increase the purchasing power of our people and thus increase employment opportunities; and

Whereas the demands of our national security in these difficult times requires a sharp reduction in nonessential federal spending as a means of preserving the economic stability of our country and promoting the welfare of our individual citizens; now, therefore,

Be It Resolved by the Senate of the State of New Hampshire (the House of Representatives concurring):

1. The Congress of the United States is hereby memorialized to eliminate and/reduce non-essential federal programs and spending.

2. The Congress of the United States is hereby memorialized to reduce federal income taxes upon individual citizens.

3. The Congress of the United States is hereby memorialized to reduce federal income taxes.

4. The Secretary of State is hereby directed to transmit copies of this resolution to the presiding officers of the United States Senate and House of Representatives and to each of the Senators and Representatives from the State of New Hampshire.

The Chair referred the foregoing concurrent resolution to the Committee on Executive Departments and Administration.

Concurrent Resolution

Mr. Maloomian of Somersworth for himself and Mr. Eastman of Kensington offered the following concurrent resolution:

Concurrent Resolution

Memorializing Congress to enact legislation concerning the amount of personal income tax exemptions.

Whereas, The members of the New Hampshire General Court are concerned over the burden the Federal Income Tax places upon individuals, of this state and the United States, and

Whereas, Such personal exemption has not been increased for many years but the cost of living has steadily risen, therefore be it

Resolved, By the House of Representatives, the Senate concurring:

That we hereby memorialize the Congress of the United States to enact legislation raising the per capita exemption of individuals from six hundred dollars to one thousand dollars, and be it further

Resolved, That the Secretary of State is hereby instructed to forward copies of these resolutions to each member of Congress from this state.

The Chair referred the foregoing concurrent resolution to the Committee on Executive Departments and Administration.

On motion of Mr. Craig of Manchester, the rules of the House were so far suspended as to permit the business in order at three o'clock this afternoon to be in order at the present time, and when the House adjourns today it be to meet tomorrow morning at 11:00 o'clock.

On motion of Mrs. Dawson of Milton the House adjourned at 11:35 o'clock.

WEDNESDAY, FEBRUARY 19, 1958

The House met at 11:00 o'clock.

Joint Convention

Prayer was offered by Guest Chaplain Rev. Tom Tucker, Associate Minister of the First Congregational Church of Concord.

Our Father, God, Thou Who art mighty in deed and yet merciful in the care of all Thy creatures, move among us this day with Thy Holy Spirit that our inward hearts may be moved by clearer knowledge of Thy purposes for each one of us. Be mighty in destruction of all our ways which proceed from weak faith; erode the polish which gives shabby thinking a superficial glitter; tear off the veneer which covers the stock of impure motive; and shatter the idols which clutter our lives with the insincere love of our brothers. Be merciful in restoring us to humble obedience; make us more diligent at our work, more perceptive in our vision, more sensitive in concern for our brothers, and more steadfast in our faithfulness to Thee. We pray in the spirit of Jesus Christ. Amen.

Salute to the Flag

Mrs. Hill of Conway led the Convention in the Salute to the flag.

House

Introduction of Guest

The Chair introduced the Hon. Hugh Gregg, former Governor of the State of New Hampshire, as a guest of the House.

Communication

HARL PEASE
3 Russell Street
Plymouth, N. H.

December 10, 1957

Hon. W. Douglas Scamman
Speaker, N. H. House of Representatives
Stratham, New Hampshire

DEAR MR. SCAMMAN:

Please be advised that we, Harl Pease, Bessie F. Pease and our daughter, Charlotte Pease, wish to thank you and all other members of the House of Representatives for the financial aid appropriated for the Peter Pezzati portrait of our son and brother, Captain Harl Pease, Jr. This portrait is now hanging in the Administration Building at Pease Air Force Base.

Many people are not aware that this Air Base includes 4,600 acres and that the runways are more than 12,000 feet long. The cost of this Base with housing outlay, now under construction, will doubtlessly exceed \$91,000,000. It should be most understandable that we are exceedingly proud and pleased that such a military installation as this one has been named for Harl Jr.

If ever the opportunity arises, we hope that you and all others may take the time to see the beautiful portraits at Pease Air Force Base. One other portrait, painted by the same artist, has recently been given and will soon be hung in the Officer's Club. New Hampshire fellow citizens have indeed been more than generous and our most sincere thanks should be theirs. We fully realize our inability to make proper acknowledgement; and ask that this letter be accepted as though addressed to each member with our heartfelt gratitude for all that has been done.

Sincerely yours,

HARL PEASE,
BESSIE F. PEASE,
CHARLOTTE PEASE.

The Chair ordered the foregoing letter printed in today's journal and directed the Clerk to forward copies of today's journal to the Pease family.

Presentation of Gavel

Mr. Merrill of Exeter presented the Speaker with a new gavel appropriately engraved.

The Speaker briefly addressed the House, expressing his appreciation for the gavel.

Senate Message

The Senate has voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 1, An Act relative to the sale of the Portsmouth armory.

Committee Reports

Messrs. Green of Manchester and Haley of Keene, for the Special Joint Committee consisting of the Committee on Judiciary and the Committee on Ways and Means, to whom was referred House Bill No. 1, An Act reestablishing a franchise tax on certain utilities to replace an unconstitutional tax, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend 83-A:1 as inserted by section 1 of the bill by adding the following subsection IV to said section:

IV. "Net book value of the electrical or gas operating property" as used in section 7 of this chapter shall be computed by deducting from the amount of Fixed Capital-Electric or Gas, the amount of Intangible Property, General Equipment, Miscellaneous Tangible Property and Unfinished Construction all as said items are required to be reported and in accordance with the uniform classification of accounts of the Public Utilities Commission applicable to the particular class of utility in effect on the date of passage of this chapter and by subtracting from the resultant figure (hereinafter referred to as the "amount of operating property") depreciation reserves applicable to the said amount of operating property. Said depreciation reserves applicable to the amount of operating property located in New Hampshire shall be that percentage of total depreciation reserves as shall equal the percentage of the amount of operating property in New Hampshire to the total amount of operating property wherever located.

Amend the section numbered 83-A:7 as inserted by section 1 of said bill by striking out the words "as prescribed in" in the seventh line and inserting in place thereof the words, determined from; and by inserting after the word "sale" in the twelfth line the words, for the preceding year; and by inserting at the end of said section the words, for the same period, so that said section as amended shall read as follows:

83-A:7 *Proportionate Value.* Whenever only a portion of the business of a public utility is conducted within this state the commission, in determining the amount of the income of

such utility allocable to this state, may consider any pertinent evidence and shall also consider the following factors giving equal weight to each: (a) The percentage of the net book value of the electrical or gas operating property, used and useful in this state, determined from the uniform classification of accounts of the public utilities commission applicable to the particular class of utility at the close of the preceding calendar year to the total net book value of such operating property everywhere, on such date; and (b) the percentage of the total amount of gas or electric energy produced by it in this state available for transmission, distribution or sale for the preceding year to the total amount of gas or electric energy produced and purchased by it for transmission, distribution, or sale everywhere for the same period.

Amend Section 83-A:11 as inserted by section 1 of the bill by striking out the said section and substituting the following in its place:

83-A:11. *Later Tax.* If, at any time within six years from April first in the year a tax is due, or the date a statement is filed, if it is not filed by said April first, the Commission shall find that a utility failed to file a statement, or filed a false or incorrect statement or would have been liable for a tax or a greater tax than that paid, the Commission, during such time, may compute a tax based upon the facts as they actually existed. The Director shall collect such tax or additional tax and shall, if the Commission has found that the failure to pay such tax or additional tax was due to the unjustified fault of the utility, collect such tax or additional tax with interest and penalties as herein provided. If, at any time within six years from April first of the year in which a tax is due, a utility shall find that it was not liable for the tax in the amount paid by it but was liable for a tax of a lesser amount, it may make a written request of the Commission for a refund or credit for the overpayment setting forth the reasons justifying the same; and the Commission shall have the same powers with respect to granting such refund or credit as it has in the case of the overpayment of a tentative tax as provided in section 5 hereof. When the Commission shall have rendered a decision thereon or if thirty days shall elapse from the date of receipt thereof and the Commission shall have taken no action, then the utility

shall have the right to request a rehearing and to appeal in the manner herein provided.

Amend said bill by inserting after section 2 the following new sections:

3 *Effective Dates.* The provisions of RSA 83-A as inserted by section 1 of this act shall be in effect for the collection of the franchise tax due as of May 1, 1958 and for the collection of said tax due as of May 1, 1959 but for succeeding years said chapter shall be suspended unless the general court shall specifically enact legislation continuing said franchise tax and the provisions of said chapter.

4 *Study Committee.* There shall be a special commission of five members, appointed as hereinafter provided, whose duty shall be to study utility taxation including franchise taxes, and to make recommendations to the next session of the general court, by January 15, 1959, relative to the taxation of public utilities engaged in the manufacture, generation, distribution, transmission or sale of gas or electric energy. The Speaker of the House of Representatives shall appoint three members of said commission from among the membership of the House and the President of the Senate shall appoint two members of said commission from among the membership of the Senate. The members of said commission shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties hereunder.

Further amend said bill by striking out section 3 and inserting in place thereof the following and by renumbering said section:

5 *Takes Effect.* This act shall take effect as of March 1, 1958 and shall be effective as hereinbefore provided.

The undersigned, a minority of the Joint Committee of Judiciary and Ways and Means, to whom was referred House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax, having considered the same, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out said title and inserting in place thereof the following:

An act relating to the conduct of sweepstakes races and the sale of tickets thereon.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Sweepstakes.* Amend RSA 284 by inserting after section 21 the following new section: 284:21-a. *Authorization.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the commission is hereby authorized and directed to conduct two sweepstakes races in each calendar year, and in connection therewith and only within said enclosure, the commission is authorized and directed to sell tickets on said sweepstakes races.

I. The commission shall make rules and regulations for the holding and conducting of such sweepstakes races and the sales of tickets thereon not inconsistent with this section; shall be empowered to rent or lease space within said enclosure where it conducts sweepstakes races; shall be empowered to employ such technical assistants and employees to carry out the provisions of this section and to fix the compensation thereof as may be necessary; shall establish and fix the money or prizes to be awarded horses which place in said sweepstakes races; shall establish the price for which tickets upon said sweepstakes races shall be sold; shall establish the method whereby tickets sold upon said sweepstakes races shall be determined to be winning tickets; and shall establish the money or prizes to be awarded holders of winning tickets.

II. Notwithstanding any other provisions of this chapter, the proceeds derived from the sale of such tickets after payment of all prizes or moneys and the payment of all expenses of the commission incurred in connection with the conduct of said races and the sale of said tickets thereon shall be covered into the general funds of the state.

III. There is hereby appropriated for the purposes of carrying out the provisions of this section the sum of ten thousand dollars which sum shall be a charge upon the racing fund as established by section 2 of this chapter.

IV. The resale of tickets upon said sweepstakes races shall be prohibited and shall be unlawful.

V. Transportation of said tickets in interstate commerce by any person other than the original purchaser thereof shall be unlawful.

VI. *Penalty.* If any person shall violate any of the provisions of the two preceding paragraphs, he shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

2 *Effect on Other Laws.* Amend RSA 284:34 by inserting after the word "pools" the words, or to the sale of sweepstakes tickets, so that said section as amended shall read as follows:

284:34 *Effect on Other Laws.* Sections 1 to 4 of chapter 338, RSA shall not apply to pari-mutuel pools or to the sale of sweepstakes tickets provided for herein.

3 *Takes Effect.* Notwithstanding any other provisions of law this act shall take effect upon its passage.

LAURENCE M. PICKETT,
JOHN J. KEARNS,
DENNIS J. CASEY.

The undersigned, a minority of the Special Committee consisting of the Committee on Judiciary and Committee on Ways and Means, to whom was referred House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax, having considered the same, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Greyhound Racing.* Amend RSA by inserting after chapter 285 the following new chapter:

Chapter 285-A

285-A:1 *Limitation.* No part of this chapter shall be construed to apply to any racing whatever except greyhound races.

285-A:2 *Greyhound Racing Sinking Fund.* The state treasurer shall keep a separate account, to be known as the "Greyhound Racing Sinking Fund", to which shall be credited the tax on contributions to pari-mutuel pools, as provided for in this chapter, together with all fines, fees and forfeitures levied or obtained under the rules and regulations as established by the Commission. Said fund, after paying the expenses of collection thereof and all expenditures provided for herein, shall be allowed to accumulate, and no expenditures shall be made therefrom until and unless otherwise ordered and authorized by the General Court of 1959 or thereafter.

285-A:3 *Employees.* At least eighty-five per cent of the persons employed by a person, association, or corporation conducting a greyhound racing plant under the provisions hereof shall have resided in this state for a period of not less than one year. The provisions of this section shall not apply to the construction of a greyhound racing plant or its equipment.

285-A:4. *Member of General Court.* No person, association, or corporation conducting a greyhound racing plant under the provisions hereof, nor the commission, shall employ at said greyhound racing plant, during the time in which the general court is in session, any person who is a member of said general court.

285-A:5 *Enforcement of Chapter.* It shall be the duty of the attorney-general with the aid of the solicitors of the several counties to enforce the provisions of this chapter upon notification from the commission of any violations thereof.

Racing Commission

285-A:6 *Established.* There shall be a state greyhound racing commission consisting of three members appointed by the governor with the advice and consent of the council. Not more than two members shall belong to the same political party. Each shall hold office for a term of three years and until his successor has been appointed and qualified. Any vacancy shall

be filled for the unexpired term. One member shall be appointed as chairman and one as secretary. No member shall have any pecuniary interest in any racing or in the sale of pari-mutuel pools licensed hereunder.

285-A:7 *Office.* The commission shall have an office in Concord and during the time in which greyhound racing is conducted in the state may maintain branch offices elsewhere.

285-A:8 *Assistants.* The commission is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes hereof at such compensation on a *per diem* basis as the commission may prescribe, subject to the regulations of the state personnel commission. The commission shall specify the duties to be performed by its assistants and employees and it shall have authority, for cause, to terminate the employment of any member of its personnel, subject to the regulations of the state personnel commission. It shall be unlawful, however, for the commission to appoint to any position under its jurisdiction any state, county, city, or town official or employee, except police officers, whose total annual salary or compensation from said state, county, city, or town exceeds one thousand dollars.

285-A:9 *Compensation.* Each member of the commission shall receive a salary of two thousand dollars a year and his reasonable expenses, including transportation, incurred in the performance of his duties, to be audited and allowed by the governor and council.

285-A:10 *Disbursements.* The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies, and office expense, shall be charged to and paid out of the funds received under the provisions hereof.

285-A:11 *Report of the Commission.* The commission shall make an annual report to the governor on or before the first day of February in each year, including therein an account of its actions, receipts derived under the provisions hereof, the practical effects of the application of this chapter, and any recommendation for legislation which the commission deems advisable.

285-A:12 *Rules and Regulations.* Said commission shall make rules and regulations for the holding, conducting and operating of all greyhound races for public exhibition and for the operation of greyhound race tracks on which any such races are held. Ne person, association or corporation shall conduct, hold or operate any greyhound races for public exhibition, at which pari-mutuel pools are sold, without a license from the commission. No such greyhound racing shall be permitted on Sunday.

285-A:13 *Supervision and Hearings.* The commission shall have the power to conduct hearings at which all matters pertaining to the administration of the affairs of the commission and all activities conducted under its jurisdiction may be investigated and determined and, under the hand of its chairman, to issue subpoenas for the attendance of witnesses at such hearings. Any member of the commission may administer oaths and affirmations and may examine witnesses. Disobedience of such subpoenas or false swearing before the commission shall be attended with the same penalties as if such disobedience or false swearing occurred in an action in the superior court. The commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distributions therefrom. It shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in proceedings before the commission may, within ten days after such decision is entered, appeal to the superior court in the same manner as parties aggrieved by a decision of a municipal court.

285-A:14 *Breeding of Greyhounds.* The commission shall encourage and promote the improvement of the breed of greyhounds in New Hampshire. It may accept donations of thoroughbred, standardbred, or other well-bred greyhounds by licensees or others to the state for this purpose. It may cooperate with and aid the officials of the University of New Hampshire in furthering this program.

Licenses and Supervision

285-A:15 License. Any person, association or corporation desiring to hold a greyhound race or meet for public exhibition, at which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

(a) The full name and address of the person, association, or corporation.

(b) If an association, the names and residences of the members of the association.

(c) If a corporation, the names of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.

(d) The exact location where it is desired to conduct or hold greyhound races.

(e) Whether or not the greyhound racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.

(f) A statement of the assets and liabilities of the person, association, or corporation making such application.

(g) Such other information as the commission may require.

285-A:16 Issuance of Licenses. If the commission is satisfied that all of the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the greyhound races or race meets are to be held, and the time and number of days during which greyhound racing may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of fifty per

cent or more of the voting stock of the corporation and the corporation shall not hold a greyhound race or meet for public exhibition without a new license.

285-A:17 *Bond of Licensee* Every person, association, or corporation licensed under the provisions of the preceding sections hereof, shall, before said license is issued, give a bond to the state in such reasonable sum not exceeding fifty thousand dollars, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed hereby and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this chapter and with the rules and regulations prescribed by the commission.

285-A:18 *Definitions.* Terms used in this chapter shall, unless the context otherwise requires, be construed as follows:

(a) "Racing meeting" shall include every meeting within the state where greyhounds are raced and where any form of betting or wagering on the speed or ability of greyhounds shall be permitted, but shall not include any meeting where no such betting or wagering is permitted, even though greyhounds or their owners, are awarded certificates, ribbons, premiums, purses, prizes, or a portion of gate receipts for speed or ability shown.

(b) "Race track" shall include the track, grounds, auditorium, amphitheater or bleachers, if any, and adjacent places used in connection therewith where a greyhound racing meeting may be held.

285-A:19 *Rules of Racing.* Said commission shall have the power to make and adopt rules of racing, including regulations providing for the licensing, supervising, disciplining, suspending, fining and barring from greyhound racing on any greyhound tracks under the jurisdiction of the commission, of greyhounds, owners, breeders, authorized agents, sub-agents, nominators, trainers, and any other persons, organizations, associations or corporations, the activities of whom affect the conduct and operation of greyhound races at greyhound race tracks under the jurisdiction of the commission. At such greyhound tracks no persons shall enter a greyhound or participate in any greyhound race or meet as an owner, agent, nominator or trainer, within the state without having

first procured from the commission a license so to act, and paying such fees as the commission may determine to be reasonable and proper therefor. Such licenses may be revoked by the commission at any time for cause.

285-A:20 *Stewards.* There shall be at least three stewards to supervise each greyhound race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such stewards shall be the official steward of the state racing commission, and the remaining stewards shall be appointed by the person, association or corporation conducting the race or meet, subject to the approval of the commission. Said stewards shall exercise such powers and perform such duties at each race as may be prescribed by the rules and regulations of the commission.

285-A:21 *Penalty.* Except in cases when another penalty is provided in this chapter, any person, association, or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting, of any greyhound race or meet for public exhibition, at which pari-mutuel pools are sold, without license duly issued by said commission, or any person, association, or corporation who violates any of the provisions of this chapter or who violates any of the rules and regulations prescribed by the commission, shall be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

Pari-Mutuel Pools, and Distribution of Tax Thereon

285-A:22 *Pari-Mutuel Pools.* Within the enclosure of any greyhound race track where is held a greyhound race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari-mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1958 to 1970 inclusive. Commissions on such pools shall be uniform throughout the state at the rate of fifteen per cent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lower multiple of ten, known as "breakage", one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of

the state in accordance with the provisions of section 2. Said maximum shall include the tax percentages hereinafter prescribed. For the purpose of the exception set forth in this section, an "agricultural fair" shall be deemed to be such an association as does provide for any pay premiums of five thousand dollars, or more, annually as is determined by the commission of agriculture in accordance with section 25 of this chapter.

285-A:23 *Tax.* Each person, association or corporation licensed to conduct a greyhound race or race meet under this chapter shall pay to the treasurer a sum equal to the following percentages of the daily total contributions to all pari-mutuel pools conducted or made at any greyhound race or race meet for each day licensed hereunder. Three and one-half per cent of so much of the total amount deposited by patrons so wagering at such meet as does not exceed seventy-five thousand dollars; five per cent of so much thereof as exceeds seventy-five thousand dollars but does not exceed one hundred ten thousand dollars; six per cent of so much thereof as exceeds one hundred ten thousand dollars but does not exceed one hundred forty thousand dollars; seven per cent of so much thereof as exceeds one hundred forty thousand dollars but does not exceed two hundred fifty thousand dollars; eight and one-quarter per cent of so much thereof as exceeds two hundred fifty thousand dollars but does not exceed three hundred seventy-five thousand dollars; eight and three-quarters per cent of so much thereof as exceeds three hundred seventy-five thousand dollars. Of the amounts so paid to the state treasurer, a sum equal to ninety-five per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter, and a sum equal to five per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture.

Each person, association or corporation licensed to conduct a greyhound race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of three hundred dollars for each day of racing, provided said person, association, or corporation has a license to conduct races or race meets for more than eight

days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for eight days or less, the said *per diem* fee shall be determined by the commission.

285-A:24 *Payment.* Payments under the preceding section shall be made not later than seven days after each race and shall be accompanied by a report under oath showing the total of all said contributions to pari-mutuel pools covered by such report and such other information as the commission may require.

285-A:25 *Distribution to Agricultural Fairs.* The portion of the tax on pari-mutuel pools to be distributed for the promotion of agriculture, as provided in section 23 hereof, shall be distributed by the commissioner of agriculture in accordance with the following plan as to all agricultural fairs holding yearly exhibitions in the state and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be distributed *pro rata* to said fairs based on the amount of competitive or educational agricultural premiums paid in the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration the premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops, and those may be 4-H clubs or other similar groups.

285-A:26 *Reports as to Basis of Distribution.* The commissioner of agriculture shall make such reasonable rules and regulations relative to the reports of premiums as he may deem necessary to enable him to determine the *pro rata* distributions to be made of the sums hereinbefore provided.

285-A:27 *Audit by Tax Commission of Accounts of Agricultural Fairs.* The tax commission shall annually at the cost and expense of each such fair audit all accounts of fairs receiving money under the provisions of this chapter, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited.

285-A:28 *Report of Audit.* A report of each audit shall be made to the commissioner of agriculture by the tax commission and shall be available to the public.

285-A:29 *Records for Purpose of Audit.* Each such fair shall use the calendar year as its fiscal year and shall keep such books, records and reports of its fiscal officers and follow such reasonable accounting methods as may be, from time to time, prescribed by the tax commission which is hereby authorized to require the production of all such books, records, vouchers and other papers and documents as will enable it to make a full, accurate and complete audit. All such records shall be preserved for three years following the date of said audit.

285-A:30 *Failure to Keep Records.* The failure to keep such books, records and papers and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for hereunder to the fair or fairs otherwise entitled thereto until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioner of agriculture which are not distributed because of continued failure to comply with the provisions of section 29 hereof, shall be distributed after a period of one year, to the fairs which complied with the provisions of said section for the year in question.

285-A:31 *Unclaimed Ticket Money.* On or before the first Monday in December of each year, every person, association, or corporation conducting a greyhound race or race meet hereunder, shall pay to the state treasurer all monies collected during the year for pari-mutuel pool tickets which have not been redeemed. The books or records which clearly show the tickets entitled to reimbursement in any given race shall be forwarded to the commission. Said monies shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of three years, any of such monies still in the custody of the state treasurer shall become a part of the Greyhound Racing Sinking Fund as provided in section 2.

285-A:32 *Records of Receipts.* Every person, association or corporation conducting a greyhound race or race meet hereunder shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari-mutuel pool on each race

separately and the amount of money received daily from admission fees, and within sixty days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts, certified by a public accountant qualified to practice in the state and approved by the commission.

285-A:33 *Minors.* No minors, whether attending a race or employed in any manner on or about a race track, shall be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel enclosure.

285-A:34 *Effect on Other Laws.* Sections 1 to 4 of chapter 338, RSA, shall not apply to pari-mutuel pools provided for herein.

False Entries; Name of Greyhounds

285-A:35 *False Entry.* No person shall knowingly enter or cause to be entered for competition, or knowingly compete with, any greyhound under any other than its true name, or out of its proper class, for any purse, prize, premium, stake or sweepstakes offered to the winner of a contest of speed.

285-A:36 *Name.* The name of any greyhound, for the purpose of entry, for competition or performance in any contest of speed, shall be the name under which said greyhound has publicly performed, and shall not be changed, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

285-A:37 *Penalty.* Any person violating any provision of sections 35 or 36 shall be imprisoned not more than three years, or fined not less than one hundred nor more than one thousand dollars.

Tampering with Greyhounds

285-A:38 *Malicious Interference with Greyhounds.* Any person who wilfully or maliciously attempts to or does interfere with, tamper with, injure, or destroy by the use of narcotics, drugs, stimulants, or appliances of any kind any greyhound used for the purpose of racing, whether such greyhound be the property of such person or another, or who wilfully or maliciously causes, instigates, counsels, or in any way aids or abets any such interference, tampering, injury,

or destruction shall, upon conviction, be fined not more than five thousand dollars or imprisoned for not more than three years or both, in the discretion of the court, and the owner of any greyhound engaged in racing within this state that is found to have been stimulated or doped, or any entry of which such greyhound is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

285-A:39 *Approval of Location.* No license for a racing meeting shall be granted by the commission for greyhound racing in any city or town in the state unless the location of the race track where such meeting is to be held or races conducted has been once approved by the mayor and aldermen of said city or the selectmen of said town.

Constitutionality

285-A:40 *Constitutionality.* If any provision of this chapter, or the application thereof to any person, association, corporation or circumstances, is held invalid, the remainder of the chapter and the application of such provisions to other persons, associations, corporations or circumstances shall not be affected thereby.

(b) By changing Section 3 of House Bill No. 50 to Section 4 "Takes Effect" so that same shall read:

4. *Takes Effect.* Notwithstanding any other provision of law, this act shall take effect upon its passage.

LYLE E. HERSOM,
DENIS F. CASEY,
HILDA C. F. BRUNGOT,
EDGAR J. CARIGNAN.

The reports were accepted.

The question being on the amendments offered by the Special Joint Committee.

On a *viva voce* vote, the amendments were adopted.

Mr. Craig of Manchester offered the following further amendment.

Amend section 83-A:2 as inserted by section 1 of said bill by striking out the words "four per cent" and inserting in

place thereof the words, three per cent, so that said section as amended shall read as follows:

83-A:2 *Tax Imposed.* Every person, partnership, association and corporation, except municipal corporations, engaged within this state as a public utility in the manufacture, generation, distribution, transmission, or sale of gas or electric energy, shall pay to the state, annually, a special tax upon the franchise exercised by such utility, such tax to be assessed at a rate equal to three per cent of the income such utility derives from the exercise of such franchise in this state during the calendar year of assessment.

The question being on the amendment.

(Discussion ensued)

Mr. Craig of Manchester and Mrs. Cooper of Nashua spoke in favor of the amendment.

Mrs. Miner of Meredith, Mrs. Frizzell of Charlestown, Messrs. Green of Manchester, Lamprey of Moultonborough and McMeekin of Haverhill spoke against the amendment.

On a *viva voce* vote, the amendment was not adopted

Mr. Craig of Manchester requested a division.

A division being had, 78 members having voted in the affirmative and 212 members having voted in the negative, the amendment was not adopted.

The question being, Shall the bill be read a third time?

Mr. Nickerson of Goffstown spoke against the bill.

Mr. Pickett of Keene moved that the minority report "ought to pass with amendment," signed by himself and Messrs. Kearns and Casey of Manchester, be substituted for the report of the majority.

On motion of Mr. Pickett of Keene, the rules were suspended to dispense with the reading of the amendment contained in the foregoing minority report.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Pillsbury of Manchester spoke against the motion.

Mr. McMeekin of Haverhill and Mr. Kearns of Manchester spoke against the motion.

On a *viva voce* vote, it appeared that the negative prevailed.

Mr. Pickett of Keene requested a division.

A division being had, 65 members having voted in the affirmative and 199 members having voted in the negative, the motion to substitute did not prevail.

The question being, Shall the bill be read a third time?

On a *viva voce* vote, the bill was ordered to a third reading.

On motion of Mr. McMeekin of Haverhill the rules were so far suspended as to put the bill on third reading and final passage at the present time by title only.

Third Reading

House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax, was read a third time.

The question being, Shall the bill pass?

Mrs. Brungot of Berlin demanded the ayes and nays and the roll was called with the following result:

Yeas, 264

COOS COUNTY: Roy, Lacasse of Berlin, Heath, Alls, Rix, Keough, Cornelius, Swett of Lancaster, Potter, Richardson, Kidder, Placy, Gould, Taylor.

ROCKINGHAM COUNTY: White of Atkinson, Griffin, Prescott, Persson, Tenney, Batchelder, Bisbee, Clark of Derry, Blair, Eastman of Exeter, Merrill, Rathbone, Spollett, Hunter, Lougee, Sanborn of Hampton Falls, Eastman of Kensington, Battles, Mott, Labranche, Cheney of Newton, Carter, Pinkham, Perkins, Palmer, Barrett, Dondero, Wood, Foote, Murch, Joyce, Wardwell, Blaisdell, Russell of Portsmouth, Landrigan, Philbrick, Felch, Thorndike.

STRAFFORD COUNTY: Blanchette, Leighton, Wiggin of Dover, Dunnington, Webb, Connell, Murphy, Littlehale, Gilman, Drew, Francoeur, Moulton, Rolfe, Maxfield, Nelson of Rochester, Lacasse of Rochester, Currier, Clement, Varney, Brown of Strafford.

BELKNAP COUNTY: Rollins McAllister, Haggett, Matheson, Lord, Robertson, Lacaillade, McCarthy, Tilton, Karagianis, Lucier, Burbank, Varrell, Miner, Smith of Meredith, Atwood.

CARROLL COUNTY: Morrill, Sawyer of Brookfield, Davis, of Conway, Hill, Roberts, Lamprey, Willmott, Nickerson of Tamworth, Clafin.

MERRIMACK COUNTY: Baron, Phelps, Kenevel, Vaughn of Bow, Moore, Turner, Bates, Allen, Davis of Concord, Henry, Cheney of Concord, Gibson, White of Concord, Lessels, Tiffany, O'Neil, Barnard, Cilley, Maxham, Mahoney, Comi, Rufo, Sargent, Bunten, Nutter, Broadhurst, Burke of Franklin, Ayotte, Leonard, Carpenter, Mason, Mulaire, Jenkins, Gay of New London, Wilman, Thibeault of Pembroke, Woodbury, Ayer, Young, Chadwick, Bigelow.

HILLSBOROUGH COUNTY: Bragdon, Edwards, Wiggin of Bedford, Jennings, Poore, Adams of Greenfield, Fortin, Pickering, Crosby, Williams of Hollis, Abbott, Warren, Green, Danforth, Dwyer, Martel of Manchester, ward 3, Nerbonne, Kelley of Manchester, Nolan, Smith of Manchester, Healy of Manchester, ward 6, Leclerc of Manchester, ward 7, Paradis, Tessier, Craig, Delisle, King, Hurley, Lafond, Dion of Manchester, Gelinis, Lesmerises, Eaton of Mason, Peaslee of Merrimack, Falconer, Cooper, Cummings, Ramsdell, Saunders, Record, Thibault of Nashua, Belcourt, Trombly, Brosnahan, Dionne of Nashua, Chartrain, Ryan, Bouley, Dugas, Latour, Sablusi, Bouthillier, Dumais, Thompson of New Ipswich, Mailloux, Dutton, Rice, Street, Eastman of Weare, Bardol.

CHESHIRE COUNTY: Washburn, O'Neil of Chesterfield, Pike, Clark of Harrisville, Smith of Hinsdale, Gordon, Spofford, Haley, Terrill, Winch, McCullough, Bennett, Coddington, Farr, Oliver, Tolman, Yardley, Eaton of Stoddard, Bouvier, Kershaw, Congdon, Ballam, Galloway, Terry, Ingham, Thompson of Winchester.

SULLIVAN COUNTY: Frizzell, Bloomfield, Bradbury, Angus, Monblo, Nahil, Davis of Cornish, Riley, Brown of Newport, Vaughan of Newport, Merrifield, Crane.

GRAFTON COUNTY: Plumer, Willey, Graham of Canaan, Sanborn of Enfield, Peabody, Williams of Grafton, Nettleton, Bradley, Duke, Monahan, Larty, McMeekin, Morse, Chamber-

lain, Adams of Lebanon, Cole, Porter, Townsend, Whipple, Collyer, Armstrong, Kelley of Littleton, Martin, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

Nays, 66

COOS COUNTY: Russell of Berlin, Sheridan, Brungot, Christiansen, Fontaine, Gagnon, Graham of Gorham, Bushey, Hersom, Stinson.

ROCKINGHAM COUNTY: Nickerson of East Kingston, Sewall, Payette, Sadler.

STRAFFORD COUNTY: Berry, Desjardins, LaBonte, Brown of Durham, Dawson, Carignan, St. Pierre, Valliere, Maloomian, Cormier, Malley.

BELKNAP COUNTY: Morin, Simoneau.

CARROLL COUNTY: Peaslee of Wakefield.

MERRIMACK COUNTY: Kenney.

HILLSBOROUGH COUNTY: Hambleton, Nickerson of Goffstown, Gallagher, Paul, Ainley, Pettigrew, Soucy of Manchester, ward 1, Dewey, Geisel, Robb, Sullivan, Winston, Douville, Walsh, Callahan, Clancy, Ecker, O'Connor, Morris, Bergeron, Gilmantin, Kearns, Soucy of Manchester, ward 12, Maynard, Marcoux, Sweeney, Jean.

CHESHIRE COUNTY: Wheeler, Brown of Keene, Pickett, Swett of Sullivan.

SULLIVAN COUNTY: D'Amante, Desnoyer, Simms.

GRAFTON COUNTY: Bucklin, Hayward, McGee.

Pairs

Mr. Peever of Salem voting Yes paired with Mr. Casey of Manchester voting No.

Rule 17

Messrs. Pillsbury of Manchester and Deans of Milford refrained from voting under Rule 17.

And the bill passed and was sent to the Senate for concurrence.

Reconsideration

Mr. McMeekin of Haverhill moved that the House reconsider its vote whereby it passed House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax.

On a *viva voce* vote, the motion to reconsider did not prevail.

The Chair announced that he had been informed by Mrs. Cary of Manchester and Mr. Dana of Laconia that had it been possible for them to be present they would have voted in favor of House Bill No. 1.

The Chair recognized Mr. Kearns of Manchester, who stated that he would have voted in favor of House Bill No. 1 had the franchise tax been assessed at 3%.

Personal Privilege

The Chair recognized Mr. Hersom of Northumberland on a point of personal privilege.

Senate Message

The Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 3, An Act relative to licenses to manufacture liquor.

Introduction of Senate Bill

Senate Bill No. 3, An Act relative to licenses to manufacture liquor, was introduced, read a first and second time, laid upon the table and referred to the Committee on Liquor Laws.

On motion of Mr. Murch of Portsmouth the rules were so far suspended as to permit a public hearing on Senate Bill No. 3, to be held one-half hour after the next recess.

The Chair announced that he had been advised by Mrs. Hayward of Hanover, Mr. McGee of Lincoln and Mr. Sheridan of Berlin that they would have voted in favor of House Bill No. 1, had the franchise tax been assessed at 3%.

Mr. Gauthier of Manchester, who was not present when the roll was called, desires to have it recorded that had he been present he would have voted in favor of House Bill No. 1.

At 1:45 o'clock the Chair declared a recess until 2:30 o'clock.

Recess

After Recess

The House reconvened at 2:30 o'clock.

Introduction of a Bill

The following bill was introduced, read a first and second time, laid upon the table for printing and referred to the Committee on Appropriations:

By Mr. Bell of Plymouth, House Bill No. 3. An Act relative to additional personnel for the fish and game department, state police, motor vehicle department, and recreation division in order to put into effect the reduced work week for certain state employees; for use of state funds for incidental expenses connected therewith; making appropriations for the tax study commission and for expenses for the Special Session of the General Court.

On motion of Mr. Craig of Manchester, the rules were so far suspended as to dispense with the printing of House Bill No. 3, and to permit a public hearing on said bill to be held immediately following the next recess.

Mr. Murch of Portsmouth moved that the rules be so far suspended as to permit the introduction of the report of the Committee on Liquor Laws on Senate Bill No. 3, An Act relative to licenses to manufacture liquor, not previously advertized in the Journal.

The question being on the motion.

(Discussion ensued)

Messrs. Craig of Manchester, Green of Manchester, Foote of Portsmouth, Pickett of Keene and Angus of Claremont spoke in favor of the motion.

On a *viva voce* vote, the motion to suspend the rules prevailed.

Committee Report

Mr. Danforth of Manchester, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 3, An Act relative to licenses to manufacture liquor, having considered the same,

report the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

On motion of Mr. Murch of Portsmouth the rules were so far suspended as to put Senate Bill No. 3 on third reading and final passage at the present time by title only.

Third Reading

Senate Bill No. 3, An Act relative to licenses to manufacture liquor, was read a third time, passed and sent to the Secretary of State to be engrossed.

Senate Message

The Senate has voted to concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives.

House Joint Resolution No. 1, Joint Resolution in favor of Henry C. Duke.

Report of Committee on Engrossed Bills

Mr. Williams of Hollis, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled Senate bills:

Senate Bill No. 1, An Act relative to the sale of the Portsmouth armory.

Senate Bill No. 2, An Act relative to ratification of deed from the state to the city of Concord.

Concurrent Resolution

Miss Collyer of Lisbon offered the following Concurrent Resolution:

Providing for a special committee to join the committees from other New England states in appearing before Congressional committees relative to railroad problems.

Resolved by the House of Representatives, the Senate concurring:

That there shall be a special committee, appointed as hereinafter provided, which shall join with other committees

from the other New England states in appearing before the Congressional committees in Washington to present the problems of the New England area in connection with railroad transportation and service. The speaker of the house of representatives shall appoint five members of the said special committee from the membership of the house, the president of the senate shall appoint two members of said committee from the membership of the senate and the governor shall appoint two members of said committee who shall not be members of the legislature.

The question being on the Concurrent Resolution.

Miss Collyer of Lisbon and Mr. Martel of Manchester spoke in favor of the Concurrent Resolution.

On a *viva voce* vote, the concurrent resolution was adopted and sent to the Senate for concurrence.

Concurrent Resolution

Mr. Maloomian of Somersworth offered the following Concurrent Resolution:

Whereas, The fraternal Order of Eagles is engaged in a nation-wide "Jobs after 40" campaign to eliminate age discrimination in employment as an unwarranted practice which is depriving many thousands of physically sound, skilled and experienced workers of the means of a livelihood, and which is resulting in a tragic waste of manpower in the American economy, and

Whereas, There is now pending in the United States Bill S-3188, introduced by Senator Richard L. Neuberger, and co-sponsored by nine other Senators, "to prohibit discrimination because of age in the hiring and employment of persons by government contractors; and

Whereas, Enactment of such proposed legislation would provide employment for many competent workers now barred by age discrimination, and would set an inspiring example by government for all industry for the adoption of similar policies, therefore be it

Resolved, That, we the members of the House of Representatives, hereby go on record as favoring the enactment of this pending legislation and be it further

Resolved, That the Secretary of State forward a copy of these resolutions to each member of the New Hampshire Delegation in Congress.

On a *viva voce* vote, the Concurrent Resolution was adopted and sent to the Senate for concurrence.

Resolutions

Mr. Willey of Campton offered the following resolution:

Resolved by the House of Representatives, That any member of the House who desires to have his seat in the House for his own use may do so by removing said seat from the House at his own expense.

On a *viva voce* vote, the resolution was adopted.

Mr. Green of Manchester for himself and the members of the Committee on Judiciary offered the following resolution:

Whereas, Gordon MacLean Tiffany, Representative from Concord and former Attorney General, has been nominated as Director of the new federal Civil Rights Commission, therefore be it

Resolved, That we extend our congratulations to our fellow member on his nomination to this important post, and be it further

Resolved, That the Secretary of State be instructed to send copies of these resolutions to our representatives in Congress, Senator Styles Bridges, Senator Norris Cotton, Congressman Chester Merrow and Congressman Perkins Bass.

The question being on the resolution. Messrs. Deans of Milford, Green of Manchester and Pickett of Keene spoke in favor of the resolution.

On a rising vote the resolution was unanimously adopted.

The Chair recognized Mr. Tiffany of Concord who briefly addressed the House and expressed his appreciation for the adoption of the foregoing resolutions.

The Speaker added his congratulations to those of the House.

Recess

After Recess

Senate Message

The Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax.

The Senate refuses to concur with the House of Representatives in the passage of the following concurrent resolution, sent up from the House of Representatives:

Concurrent Resolution

Providing for a special committee to join with committees from other New England states in appearing before Congressional committees relative to railroad problems.

Resolutions

Mr. Nahil of Claremont offered the following resolution.

Whereas, We have learned of the death of David Ramsay of Claremont, and

Whereas, Mr. Ramsay was a former representative from that town, therefore be it

Resolved, That we, the members of the House of Representatives do hereby express our sorrow for his bereaved family, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mrs. Ramsay.

On a *viva voce* vote the resolution was unanimously adopted.

Mr. Oliver of Marlborough, for himself and Mr. Clark of Harrisville offered the following resolution:

Whereas, We have learned of the illness of Charles R. Thomas of Dublin and

Whereas, Mr. Thomas is a former fellow representative from his town, therefore be it

Resolved, That we, the members of the House of Representatives, do hereby extend our sympathy to Mr. Thomas in his illness and our hope for his speedy recovery, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Mr. Thomas.

On a *viva voce* vote the resolution was unanimously adopted.

Recess

Mr. Bell of Plymouth moved that the rules of the House be so far suspended as to permit the introduction of the report of the Committee on Appropriations on House Bill No. 3, not previously advertised in the Journal.

On a *viva voce* vote the motion to suspend the rules prevailed.

Committee Report

Mr. Bell of Plymouth for the Committee on Appropriations, to whom was referred House Bill No. 3, An Act relative to additional personnel for the fish and game department, state police, motor vehicle department, and recreation division in order to put into effect the reduced work week for certain state employees; for use of state funds for incidental expenses connected therewith; making appropriation for the tax study commission and for expenses for the special session of the General Court, having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 3 and by renumbering sections 4, to 8, to read sections 3, 4, 5, 6, 7.

Amend section 8 of the bill as renumbered section 7 by striking out said section and inserting in place thereof the following:

7 Takes Effect. The provisions of sections 1 to 4 inclusive of this act shall take effect as of July 1, 1958, and shall be effective until June 30, 1959; the remaining provisions of this act shall take effect upon the passage of this act.

The report was accepted.

The question being on the amendment offered by the committee.

On a *viva voce* vote the amendment was adopted.

The question being, Shall the bill be read a third time?

Mr. Bell of Plymouth explained the bill and amendment in response to questions by Mr. Craig of Manchester.

(Mr. Green of Manchester in the Chair)

On motion of Mr. Scamman of Stratham the rules were so far suspended as to put House Bill No. 3 on third reading and final passage at the present time by title only.

Third Reading

House Bill No. 3, An Act relative to additional personnel for the fish and game department, state police, motor vehicle department, and recreation division in order to put into effect the reduced work week for certain state employees; for use of state funds for incidental expenses connected therewith; making appropriation for the tax study commission and for expenses for the Special Session of the General Court, was read a third time, passed and sent to the Senate for concurrence.

(Speaker in the Chair)

Concurrent Resolutions

Mr. McMeekin of Haverhill offered the following concurrent resolution:

Resolved, By the House of Representatives, the Senate concurring that Rule 10 of the Joint Rules, whereby each house shall transmit to the other all bills which have passed their several stages in the House in which they originated, at least twenty-four hours before the time fixed for adjournment, be suspended.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

Mr. McMeekin of Haverhill offered the following concurrent resolution:

Whereas, It appears that all necessary legislative work may be accomplished by Wednesday, February 19, at seven o'clock in the afternoon, therefore be it

Resolved, By the House of Representatives, the Senate concurring, That this special session of the Legislature be brought to final adjournment on Wednesday, February 19 at seven o'clock in the afternoon, and be it further

Resolved, That on this date all pending reports, bills and joint resolutions outstanding be indefinitely postponed.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

Recess

Senate Message

The Senate has voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 3, An Act relative to additional personnel for the fish and game department, state police, motor vehicle department, and recreation division in order to put into effect the reduced work week for certain state employees; for use of state funds for incidental expenses connected therewith; making appropriation for the tax study commission and for expenses for the special session of the General Court.

The Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

Whereas, It appears that all necessary legislative work may be accomplished by Wednesday, February 19, at seven o'clock in the afternoon, therefore be it

Resolved, By the House of Representatives, the Senate concurring, that this Special Session of the Legislature be brought to final adjournment on Wednesday, February 19, at seven o'clock in the afternoon, and be it further

Resolved, That on this date all pending reports, bills and joint resolutions outstanding be indefinitely postponed.

The Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Resolved, By the House of Representatives, the Senate concurring that Rule 10 of the Joint Rules, whereby each house shall transmit to the other all bills which have passed their several stages in the House in which they originated, at least twenty-four hours before the time fixed for adjournment, be suspended.

Concurrent Resolution

Mr. McMeekin of Haverhill offered the following Concurrent Resolution:

Resolved, By the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the Special Session and is ready to be adjourned and to receive any communication which he may be pleased to make.

On a *viva voce* vote the concurrent resolution was adopted and the Chair appointed as members of the committee, Miss Spollett of Hampstead, the Mesdames St. Pierre of Rochester, Miner of Meredith, Frizzell of Charlestown and Messrs. McMeekin of Haverhill, Craig of Manchester, Lamprey of Moultonborough, Woodbury of Pembroke, Congdon of Troy and Hersom of Northumberland.

Report of the Committee on Engrossed Bills

Mr. Eaton of Stoddard, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled House joint resolution, Senate bill and House bills:

House Joint Resolution No. 1, Joint Resolution in favor of Henry C. Duke.

Senate Bill No. 3, An Act relative to licenses to manufacture liquor.

House Bill No. 1, An Act re-establishing a franchise tax on certain utilities to replace an unconstitutional tax.

House Bill No. 3, An Act relative to additional personnel for the fish and game department, state police, motor vehicle department and recreation division in order to put into effect the reduced work week for certain state employees; for use of state funds for incidental expenses connected therewith; making appropriation for the tax study commission and for expenses for the special session of the general court.

The First Lady of New Hampshire, Mrs. Lane Dwinell, was escorted to the rostrum by the Sergeant-at-Arms.

Mr. McMeekin of Haverhill, for the committee appointed to wait upon His Excellency the Governor, and inform him

that the Special Session of the Legislature had completed its duties, reported that they had attended to their duty and that the Governor informed them that he had a communication to lay before the House.

The report was accepted and immediately His Excellency Lane Dwinell, Governor, appeared before the House and delivered the following message:

Governor's Message

Mr. Speaker,

Honorable Members of the House of Representatives:

When you convened last week in Special Session, I stated that you had been called together for just one reason — “to balance the budget which we jointly approved during the regular 1957 session.”

In these five legislative days you have fully accomplished that purpose. The budget is in balance as the result of the franchise tax on gas and electric utilities which you have wisely re-established. You can return to your homes with a deep satisfaction of your duty performed, of your job well done.

While the action which you have taken is essentially what I recommended, that action is yours, not mine. The executive may, and properly should, make specific recommendations, but the final decision and the ultimate responsibility rests solely in the legislature.

From personal experience, I know that the legislature views the executive with varying degrees of either suspicion or submission. I know what it means to be torn between the need for state-wide thinking and local or special obligations. when the two may be in conflict. To every legislator comes the challenge to be constructive when a negative approach to the same problem may be easier.

There has also been a normal tendency for a governor to feel that the legislature was unsympathetic to his problems and policies; a natural temptation for a governor to want to tell the legislature what to do and how to do it; the normal habit for the governor to view his program as the only answer.

In the final analysis there is no substitution for the legislative process as the best guarantee for the perpetuation of a free government in this state and this nation.

I heartily concur in your providing for a suspension of the re-establishing franchise tax after two years, so that the next legislature may have the benefit of a thorough study by a committee appointed from your own membership. In this way you have wisely reconciled the current financial emergency with the long-range responsibility for taxation which the people have entrusted in you as their representatives. From the many weeks of study which I devoted to this problem, I know how a great burden was placed on the entire membership of the General Court, and particularly on the responsible committees, in striving to master the details of a complicated problem in the short time available. I commend your membership on the manner in which you have devoted your attention to the business of the session.

On the eve of your recall to Concord, there was much speculation about the length of time you would spend here, and also as to whether you could successfully avoid other controversial issues. I was sure that you would exercise that restraint which you have shown to such a high degree. You have considered no other matters that would delay the session. The record you have written in this respect should prove for all time that a New Hampshire General Court in Special Session can deal with the public business courageously, affirmatively and expeditiously.

Even more importantly, you have reaffirmed the faith of the people that the welfare of our State itself can never be subordinated to special interests, or those who seek special privilege.

This may be the last time I will have the opportunity of addressing you. May I tell you that my associations with this legislature have been one of the most pleasing experiences which I have had as your Governor.

I have been informed by the joint committee of the Senate and House of Representatives that you have completed the business of the Special Session. All bills and resolutions that have been presented to me have received executive approval.

Therefore, now, by the authority invested in me as Governor, I do hereby declare the General Court of New Hamp-

shire adjourned to the last Wednesday in December in the year of our Lord one thousand, nine hundred and fifty-eight.

Benediction

Benediction was given by Mrs. Currier of Rochester as follows:

Our Father, at the close of our deliberation, we come to Thee with thankfulness for Thy guidance for the courage to act and for the privilege of accomplishment.

As we leave these halls may we go with Thy protection and into the pathways which Thou wouldst have us follow.

We ask Thy guidance and loving care as we go forth.

All this we ask in Thy Name. Amen.

Thereupon at 9:40 o'clock the Speaker declared the House adjourned until the last Wednesday of December, 1958.

GEORGE T. RAY, JR.,

Clerk.

A true copy, attest:

GEORGE T. RAY, JR.,

Clerk.

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